

Tilburg University

Desert, Luck, and Justice

Brouwer, Huub

Publication date:
2020

Document Version
Publisher's PDF, also known as Version of record

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):
Brouwer, H. (2020). *Desert, Luck, and Justice*. [Doctoral Thesis, Tilburg University]. [s.n.].

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Desert, Luck, and Justice

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Huub Brouwer

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Cover image: Marja Brouwer-Hollemans

Correctie van de Nederlandse vlag

ISBN: 978-90-830376-2-2

Cover design and layout by: Proefschriftenprinten.nl – The Netherlands

Printed by: Print Service Ede - Ede, The Netherlands

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Desert, Luck, and Justice

Proefschrift ter verkrijging van de graad van doctor aan Tilburg University op gezag van de rector magnificus, prof. dr. K. Sijtsma, in het openbaar te verdedigen ten overstaan van een door het college voor promoties aangewezen commissie in de
Aula van de Universiteit

op dinsdag 7 januari 2020 om 16.00 uur

door Huybert Martijn Brouwer,
geboren te Gouda, Nederland.

Promotiecommissie

Promotores:

Prof. Dr. M.M.S.K. Sie

Prof. Dr. M.S. Olsaretti

Copromotor:

Dr. B. Engelen

Overige commissieleden:

Prof. Dr. G.W. Dubbink

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To 'MoPo'

Table of contents

PROMOTIECOMMISSIE	4
PREFACE	9
AUTHOR CONTRIBUTIONS	19
CHAPTER 1: INTRODUCTION	21
1. DESERT IN A FACTORY AND A BURNING HOUSE	22
2. THREE RECEIVED WISDOMS	25
3. RESISTING GENERALIZED DESERT SKEPTICISM	30
4. LOOKING AHEAD	37
CHAPTER 2: DEFENDING ASYMMETRIES OF DESERT	41
1. INTRODUCTION	41
2. IDENTIFYING ASYMMETRIES OF DESERT	43
3. PREVIOUS DEFENSES	49
4. DEFENDING STRONGER ASYMMETRIES OF DESERT	53
5. CONCLUSION	59
CHAPTER 3: WHEN, IF EVER, IS DESERT FORWARD-LOOKING?	61
1. INTRODUCTION	61
2. RESISTING CHALLENGES TO FELDMAN’S ARGUMENT FOR FORWARD-LOOKING DESERT	63
3. ADDITIONAL OBJECTS FOR WHICH DESERT IS SOMETIMES FORWARD-LOOKING	69
4. RETAINING TIME-SENSITIVITY	74
5. CONCLUSION	76
CHAPTER 4: WHY NOT BE A DESERTIST? THREE ARGUMENTS FOR DESERT AND AGAINST LUCK EGALITARIANISM	79
1. INTRODUCTION	79
2. LUCK EGALITARIANISM AND DESERTISM: GENERAL PRINCIPLES	80
3. THREE THOUGHT EXPERIMENTS, THREE DIFFERENCES	85
4. CONCLUSION	96
CHAPTER 5: CAN DESERT SOLVE THE PROBLEM OF STAKES? A REPLY TO OLSARETTI	98
1. INTRODUCTION	98
2. WHAT IS A DESERT-BASED PRINCIPLE OF STAKES?	99
3. WHAT SHOULD A PRINCIPLE OF STAKES DO?	100
4. CONCLUSION: RESEARCHING PLAUSIBLE PRINCIPLES OF STAKES	103

CHAPTER 6: EARNING TOO MUCH. THE CASE FOR MAXIMUM INCOMES	104
1. INTRODUCTION	104
2. THE MAXIMUM INCOME	105
3. RAWLSIAN EGALITARIANISM	107
4. UTILITARIANISM	111
5. DESERTISM	118
6. CONCLUSION	123
CHAPTER 7: CONCLUSION – OPEN QUESTIONS.....	126
7.1. A COMPENSATORY DESERT ARGUMENT FOR UNEQUAL PAY	126
7.2. PROPERTY-OWNING DEMOCRACY AND DESERT.....	127
7.3. HUMAN INTUITION ABOUT JUSTICE: DESERTIST OR LUCK EGALITARIAN?	128
7.4. DESERT, LUCK, AND LIBERAL NEUTRALITY	130
CHAPTER SUMMARIES	147
SAMENVATTING	150
RESUME.....	154

Preface

At PhD defenses, guests will, almost invariably, when given the printed PhD, first turn to the preface and read the acknowledgements in it. You have probably done the same. Perhaps this is even the only part of the PhD you will read. That would be completely fine with me: this book would not have existed without the help of all the people I am about to thank profusely in this rather lengthy preface. The preface is, in part, so long because I also (i) explain the cover, (ii) thank the people who got me interested in desert and justice, and only then (iii) move on to the actual acknowledgements.

I must confess that I had a hard time finishing the preface, the very last bit of the PhD I still had to write. I not only run the risk of forgetting to thank people whom I really should have thanked, but every word I write brings me closer to a moment I dread: the moment of sending this PhD off to the printer, and never being able to change its contents anymore. The moment of really finishing my PhD, and saying goodbye to life as a PhD student. But here we are.

1. Explaining the Cover: Correcting the Dutch Flag

Let me start by explaining the cover of this book. When I decided, in March 2019, to speed up the finishing of my PhD to be able to apply for academic jobs starting Fall 2019, I also began thinking about what should be on the cover. My mother is a painter. I love her work—so I thought it would be terrific if she would be willing to make a painting for the cover. I asked her and was delighted when she agreed to do it. So far so good, but what would I ask her to paint?

I was still mulling this over when I visited my friends Franziska and Yuya in Cologne in May, and went with them to Museum Ludwig. The museum had on display one work by KP



Figure 1 Korrektur der Nationalfarben

Preface

Brehmer (1938-1997), a lesser-known exponent of the ‘capitalist realism’ movement. The work is titled: ‘Korrektur der Nationalfarben’ (1970). When I saw it, I immediately knew I would ask my mother to make a painting inspired by this work.

Korrektur der Nationalfarben consists of a German flag that looks strange: The bands are not of equal size (see figure 1). Instead, the gold band is very broad, the black band quite narrow, and the red band very narrow, barely visible. The ‘Korrektur’ that Brehmer made to the German flag was to change the width of the bands to reflect the share of wealth held by three groups in Germany: Grosskapital (roughly, the upper class—the gold band), Mittelstand (roughly, the middle class—the black band), and ‘Restlichen Haushalte’ (the other households—the red band). The resulting flag is a striking depiction of wealth inequality in Germany at the end of the 1960s.

The Dutch flag on the cover of this PhD was drawn with a ‘Korrektur’ similar to the one made by Bremer. The width of each band reflects the share of wealth held by three groups in the Netherlands in 2017: the richest 33,3% (the red band, covering about 90% of all wealth), the middle 33,3% (the white band, covering about 9%), and the poorest 33,3% (the blue band, covering about 1%). The result is, I think, certainly as remarkable as Brehmer’s flag.

It takes a while to even see that the painting represents the Dutch flag: The distribution of wealth in the Netherlands is rather unequal. In fact, the Netherlands has the second largest wealth inequality of all OECD countries (OECD 2018). The question I hope this PhD will contribute to answering—or, at the very least, understanding better—is: What would the Dutch flag look like if everyone received the wealth they deserved? This gets me to the very first big thank you of this preface: to my mother, for painting the cover of my PhD.

2. Moving into political philosophy

Now, with the cover of this PhD explained, I will move back in time a bit, to the moment I came to the Erasmus Institute for Philosophy and Economics (EIPE), in September 2013, to do a master’s in Philosophy and Economics, and with the intention to continue with a PhD afterwards. My plan was to focus on methodology of economics, and, at the end of the master’s, write my MA thesis on robust checks on

Preface

the macroeconomic models I had worked with when writing my thesis in economics at the Stockholm School of Economics, the year before coming to EIPE.

Ingrid Robeyns' *Ethics and Economics* course, which I took during the first semester of the MA, made my doubt this planned focus on methodology a bit already. I noticed I really enjoyed reading and discussing about issues of (distributive) justice. It was a conversation with Marcel Boumans on possible thesis topics, in May 2014, that got me to decide to abandon the plan of writing about economic methodology altogether. He simply asked: What topic do you feel most passionate about? The answer, for me, was very clear: justice, of course!

Justice it was, and has been since. But I still had to settle on a specific topic for my MA thesis. I thought it would be interesting to write about justice and taxation, given my background in economics. With that in mind, I started to look for a supervisor who could help me narrow down this still rather vague idea and ended up talking about it with Maureen Sie during the Erasmus Philosophy Faculty's year-end drinks in June 2014. We met a few days after the drinks and, over the summer, Maureen sent me an article on economic desert by T.M. Scanlon in a special issue of *Philosophical Explorations* that she edited with Derk Pereboom. My interest in desert began through that article.

I really found my MA thesis topic when I talked to Susan Mendus about desert during a PhD course of the Dutch Research School for Philosophy later that summer. She told me that there was this remarkable asymmetry of desert in John Rawls's *A Theory of Justice*. He provides a very influential argument against desert as a principle of justice, but, at the same time argues that desert should be a central principle of retributive justice. Susan told me that a small discussion had emerged in the philosophical literature on the question whether this asymmetry of desert in Rawls's work was defensible—and pointed me to a paper by her York colleague Matt Matravers on the issue. I read that paper, was intrigued, and then went on to read all the papers that had been written about the asymmetry of desert. I now had an MA thesis topic, and Maureen was, to my delight, willing to supervise me on it.

Maureen turned out to be an excellent MA thesis supervisor. She is very good in getting me to think about whether the research I am doing matters. 'How would you explain your research to non-philosophers?', she would almost invariably ask

during supervision meetings. And, ‘How would the broader philosophical discussion about desert and distributive justice benefit from your research?’. These questions were a great counterbalance to my tendency to, from time to time, make too fine-grained distinctions (to this day, I think that a correct answer to the question what I do for a living is: drawing distinctions) and, more generally, get slightly hung-up on details. Maureen would always get me to see the bigger picture again. Given how much I enjoyed working on my MA thesis under Maureen’s supervision, I was delighted that she was willing to continue to supervise me when I was offered a PhD position at EIPE, starting December 2015.

3. Acknowledgements

Now, on to the actual acknowledgements. First and foremost, I am grateful to the supervisors of my PhD: Maureen Sie, Serena Olsaretti, and Bart Engelen.

Maureen turned out not only to be a wonderful MA thesis supervisor, but also a great PhD supervisor. It was always refreshing to get Maureen’s (who has worked extensively on moral responsibility) take on how political philosophers use the notion of responsibility in their theories. I learned a great deal from her detailed comments on my work, and always enjoyed our supervision meetings, in particular when they took the shape of long walks through the forest on the Tilburg University campus. There are two things that, I think, stand out in Maureen’s comments on my work. First, she is wonderful at structuring arguments—often aided by drawings she would make on her iPad. Second, she is very creative. I would often get new ideas during supervision meetings because of questions Maureen would ask.

Not only did Maureen really help me to become a better researcher, she also gave me a lot of opportunity to develop as a teacher, presenter, and organizer. Thanks to Maureen’s help, I got the chance to teach lectures at Tilburg University, where PhD students are usually not allowed to do so. She also invited me to join her in presenting at the *Avond voor Wetenschap en Maatschappij* in the Hague, which was a great experience in talking about my research for an audience of non-philosophers. And Maureen convinced the practical philosophy chamber of the Dutch Research School for Philosophy that I would be capable of organizing a summer school for PhD students, an experience I enjoyed and from which I really learned a great deal.

Preface

Whilst I was working on my MA thesis, I came across Serena Olsaretti's *Liberty, Desert, and the Market* (2004). I really admired the book, and have read the chapters on desert many times. I often find myself thinking that I have come up with a new claim about desert, to then go back to Serena's book and find out that I had simply read it there. I never dared to dream that Serena would one day supervise my PhD. But I am delighted that she did. Serena is very generous with her time. She provided me with detailed comments on my papers and took hours to go through these comments during supervision meetings, of which we had many more than I thought could reasonably be expected. She taught me to become more precise in my writing, sometimes even rewriting whole paragraphs to show me how I could improve. I am very impressed with Serena's knowledge of the literature on desert, egalitarianism, and wellbeing. It happened more than once that she would remember details (footnotes, even) from a paper that she read fifteen years ago that I would no longer remember—having read the same paper a few months back. I consider myself very lucky to have been supervised by Serena.

When I moved to Tilburg University, Bart Engelen became the third supervisor of my PhD. Writing my PhD would not have been as much fun if I wouldn't have had Bart as a supervisor. His dry sense of humor, combined with his love for tables in philosophy papers, always made our supervision meetings very enjoyable. Bart is very good in thinking about how to strengthen arguments, especially through examples. I found Bart especially encouraging when I would receive referee reports. My usual response to such reports, certainly when they recommend rejection, is to try to fundamentally rethink the paper I submitted. Bart would often manage to show me that it was possible to accommodate the comments whilst keeping (a significant) part of the submitted paper.

I spent the first fourteen months of my PhD at EIPE. EIPE is a wonderful place to study and work. Conrad Heilmann, Constanze Binder, Jack Vromen, and, a bit later on, Christopher Clarke really manage to build a sense of community by organizing reading groups, PhD lunches, and dinners after research seminars. I am very grateful for everything they, and the other excellent teachers at EIPE, have taught me. I much enjoyed hanging out with my PhD colleagues Caglar Osman Dede, Daphne Truijens, Erwin Dekker, James Grayot, Jasper van den Herik, Philippe Verreault-Julien, Vaïos

Preface

Koliofotis, and Willem. I also worked, during my time as PhD student at EIPE, for the Faculty's director of education Bart Leeuwenburgh one day a week. Being an assistant to Bart also got me to work closely with the support staff of the faculty—especially with Evaline Bender, Lena Schots, Marloes Westerveld, and Ticia Herold. I really enjoyed working with them and have good memories from when Bart, Lena, Ticia, and Paul Schuurman came to visit me during my research stay in Barcelona.

When I was in Barcelona, during the fall of 2016, Maureen got offered a full professorship at Tilburg University, and negotiated that I could move to that university with her. Although I was sad to leave my wonderful colleagues at Erasmus University, I was also delighted with the new position, as it gave me nearly double the research time I had in Rotterdam. When I started in Tilburg, the department had recently made many new hires. It was a wonderful experience to work in an environment with so many young philosophers, many of whom would go on to become friends. Thanks so much Alfred Archer, Amanda Cawston, Bart Engelen, Ben Mattheson, Caroline Harnacke, Catherine Robb, Dries Deweer, Felipe Romero Toro, Jan Sprenger, Georgie Mills, Max van der Heijden, Matteo Colombo, Maureen Sie, Monica Meijsing, Naftali Weinberger, Natascha Rietdijk, Nathan Wildman, Noah van Dongen, Roos Slegers, Sander Verhaegh, Sanem Yazicioglu, Tim Klaassen, and Yvette Drissen. I really enjoyed our lunches, tea breaks, drinks, and dinners.

Over the course of my PhD so many people commented on my papers that I decided that it would be best to thank them with a footnote in each of the different chapters of this PhD. Nevertheless, there are a few people, besides my supervisors, whom I'd like to thank in particular. Willem, who comments on (almost) everything I write before it can do any harm, and has taught me a great deal about philosophy, work/life balance, and, perhaps most importantly, taking a more stoic approach to life as an academic (though my stoicism still falters at times). Teun Dekker, with whom I have met up with in Maastricht a number of times in Maastricht to discuss paper drafts and who agrees with me that political philosophers should talk more about desert than they currently do (whenever I find myself thanking him for his comments on my work, Teun will invariably say: "It's for the cause."). And Julien Kloeg, with whom I talk about my research regularly and who always challenges me to think about more

Preface

fundamental questions, in particular about depoliticization, the intrinsic importance of equality, neutrality, and perfectionism.

I have spent four months at Pompeu Fabra University. The experience of being supervised by Serena Olsaretti during my time there was so wonderful that, towards the end of my stay, I asked her—I think, with an excellent sense for timing on my part, whilst standing in the elevator together—whether she wanted to become my second supervisor. I still remember that she responded, “I am chuffed you ask me, let’s talk about it more soon”. I did not know what ‘chuffed’ meant, but was happy to discover the meaning of the verb in a dictionary shortly afterwards. Thanks to Anca, Andrée-Anne and Mauro, Isa, Pedro, and Riccardo for making my stay in Barcelona so enjoyable. And to all the friends and family from the Netherlands who came over to visit.

I have also spent four months at Yale University, under the supervision of Shelly Kagan. During these months, I learned a great deal from him—not just through our weekly supervision meetings, but also because I got the opportunity to study his work in detail. Kagan’s drive to state accessibly and precisely what is at stake is admirable and inspiring. He was much more available during and after the research visit than could reasonably have been expected. As others who have been similarly lucky to be supervised by Kagan have put it: he went beyond the call of duty, although he himself would deny that such a category exists. Thanks also to Carme, Dries, James, Jeltsche, Laura, and Min for making my time in New Haven not only academically but also socially worthwhile.

My research visits, and the travels during my PhD more generally, were made possible, in part, through the support of external funding bodies. I am grateful to the *Prins Bernhard Cultuur Fonds* and the *Institute for Humane Studies* for their financial support.

I have learned a great deal from my time as editor of the *Erasmus Journal for Philosophy and Economics*. I thank Caglar, Willem, and Philippe for giving me the opportunity to serve on the board, and to Akshath Jittendranath, Caglar, Erwin, Lennart Ackermans, Marina Uzunova, Philippe, Vaios, and Willem for being great colleagues on the journal. Special thanks to Willem, for teaching me to be an editor, and to Philippe, for preparing me to become the lead editor of the journal. While I was

Preface

lead editor of EJPE, the journal was, at some point, struggling to find new editors because of a temporary drop in the number of PhD students at EIPE (now there are, fortunately, many again). I was very happy that the Faculty of Philosophy of Erasmus University Rotterdam provided us with student-assistant support for the formatting, which saved the editors a great deal of time.

During the pre-final year of my PhD, I became on the editors of *Bij Nader Inzien* (BNI). I think it is really important that philosophers try to communicate their research to a wider audience. BNI provides me with an excellent opportunity to facilitate fellow philosophers in the Netherlands and Belgium in doing so. Thanks, especially, to Fleur Jongepier for inviting me to join the editorial board, and for teaching me a great deal about writing accessibly for a broader audience. Thanks also to Dick Timmer, Eveline Groot, Lianne Tijhaar, Linde van Schuppen, Matthé Scholten, Natascha, and Willem for relaunching the blog together with me during the fall of 2019.

I am also grateful to those who offered me professional opportunities during my PhD. I thank Erwin Dekker and Arjo Klamer, for giving me the opportunity to teach lectures and tutorial as part of the Introduction to Economics of Arts and Cultures course at the Erasmus School for History, Communication and Culture; to, again, Arjo, for asking me to teach lectures on alternative approaches to economics to students at the University of Applied Philosophy; and to Bert van de Ven and Wim Dubbink, for making an exception by allowing me to teach lectures when I was a PhD student in Tilburg.

Over the course of my PhD, I have co-authored quite a few pieces with other philosophers. I want to thank two co-authors in particular.

The first is Tom Mulligan, whom I met at a conference in Aix-en-Provence shortly after I started my PhD. I found it very generous of him that he wanted to co-author with me, given that I was just starting as a PhD and he was about to embark on his second postdoc. I have learned a great deal from Tom about desert and merit, but also about academic writing, editing, and publishing more generally. Thanks so much Tom! I hope to continue the chain of helpfulness (a term I am borrowing from the acknowledgements to Willem's thesis) that you initiated—and look forward to continuing to collaborate.

Preface

The second co-author I want to thank specifically is Willem. He is, by far, the person I co-author with the most. We are, if I am not mistaken, currently engaged in our seventh joined writing project. I hope we will hit the double digits soon. Willem is, in some ways, my philosophical twin: I think we almost always agree about philosophical questions. Perhaps I should have waited until the tenth joined writing project, but I decided to give our collaboration a name: the Rotterdam Axiology Platform (RAP). RAP is there to help answer—or, at least, help thinking about—all your questions on the nature of desert, wellbeing, and, as of late, the moral status of animals.

I am very fortunate to have a lovely family and group of friends on whom I could always count for chats over coffee and tea, dinners, bouldering, playing squash, long walks in the forest and on the beach, concerts, museum visits, and holidays. Mama and Papa, Lotte, Jeanine and Dominique, Rozemarijn and Bas, Willem and Nina, Emma and John, Lydia, Julien, Manuel and Barbara, Yourai and Floor, Philippe and Genevieve, Christiaan and Suna, Franziska and Yuya, Jasper, Marloes, Petra and Martin, Roel, Martine and Herm-Jan: thank you very much.

Writing a PhD can be hard at times. I have gone through various PhD crises, wondering about whether doing a PhD would be the best way for me to contributing (in whatever small way I am capable of) to making the world a better place, whether I was good enough to have a career in academia, whether I was working hard enough, and so on. During some of these moments of doubt, I needed a shoulder to cry on—and I knew I could always count on Rozemarijn and Willem to provide one. Their support means more to me than I can convey in words. Perhaps the best way to describe it, is that I am tearing up a little bit even when I am writing this.

My PhD is dedicated to the parents of my mother, whom we have referred to as ‘MoPo’ for as long as I can remember. MoPo lived only five houses away from my parents’ house, and I have spent a great deal of my time as a child at their place: helping out in the garden, playing on Po’s organ, reading books from their library, playing games, and, occasionally, investing in stocks and options with Po. MoPo were like a second set of parents to me. Their dedication, empathy for people in need, kindness, and modesty will inspire me for a lifetime.

Author contributions

Three chapters of this PhD are co-authored. I co-authored chapter 4 with Thomas Mulligan (Georgetown University), chapter 5 with Willem van der Deijl (Tilburg University), and chapter 6 with Dick Timmer (Utrecht University). In the case of all three co-authored chapters, my co-author and I were equal contributors. The process, in each case, has been to first develop an argumentative structure together through a number of (Skype) meetings, then divide the writing of a first version of these sections amongst the co-authors, and subsequently to rewrite each other's sections. In all cases, the result is a genuinely co-authored text in which I can no longer tell which sentence or thought was originally mine.

Chapter 1: Introduction

Nearly 2 400 years ago, Aristotle wrote that “all people agree that what is just in distribution must be in accord with some sense of desert” (*Nicomachean Ethics*: 1131a). Since then, many philosophers—including Gottfried Wilhelm Leibniz (1697), John Stuart Mill (1998), and Henry Sidgwick (1981)—have written approvingly about desert as a principle of distributive justice.

During the 1960s, however, desert got out of favor. So much so, in fact, that, in 1971, John Kleinig observed that “the notion of desert seems by and large to have been consigned to the philosophical scrap heap” (1971, 71). Perhaps Kleinig was influenced by John Rawls’s brief, but very influential arguments against desert as a distributive principle in his *A Theory of Justice* (1971, secs. 17 and 48). Since Rawls proposed his desert-less theory of distributive justice, many philosophers have gone on to advocate other desert-less theories, such as prioritarianism (Parfit 1997), relational egalitarianism (Anderson 1999), and sufficientarianism (Frankfurt 1987).

Although it is true that desert has only played a minor role in discussions of distributive justice since the 1970s, it has, contrary to Kleinig’s assessment, never really been consigned to the scrap heap of distributive ideals. In fact, if anything, there appears to be somewhat of a resurgence of interest in desert in discussions of distributive justice in recent years.¹ Some philosophers have proposed monistic desert-based theories of distributive justice (Feldman 2016; Mulligan 2018a); others have advocated pluralistic theories in which desert plays a role alongside other principles, such as need (Miller 2001; Schmidtz 2006; Sheffrin 2013; Temkin 2017).

I believe that the resurgence of interest in desert as a principle of distributive justice is warranted. Ongoing philosophical reflection on the notion of desert has made clear, as Shelly Kagan (2012, 3) rightly observes, that the notion of desert is “surprisingly complex”, that there many different conceptualizations of it, and that not all conceptualizations of desert are vulnerable to the same objections. Generalized skepticism about desert as a principle of distributive justice, it seems to me, can and should be resisted. This PhD is a collection of five chapters that all aim to contribute

¹ In the introduction to an edited volume on desert and justice, Serena Olsaretti notes that: “This volume is testimony to a growing interest in desert” (2003b, 1).

to finding an answer to the question: What role can desert plausibly play within egalitarian theories of distributive justice?

The structure of this introduction is as follows. In section 2, I start with two cases that, I think, demonstrate the intuitive appeal of desert as a distributive principle, using the idea that desert requires moral balance. Then, in section 3, I explain in greater detail what the notion of desert is by presenting three received wisdoms about desert claims that have emerged in the literature on desert. In section 4, I examine three reasons why many philosophers are critical about desert as a principle of distributive justice (the distinctiveness objection, the harshness objection, and the responsibility objection) and explain how the chapters in this PhD contribute to showing that the latter two of these objections do not prove to be fatal. In section 5, I give a brief summary of each of the chapters in the PhD.

1. Desert in a factory and a burning house

1.1. Case 1: An accident in a factory

There has been an accident in a factory. Two workers, Amira and Boris, have been hurt. You can only help one of them, for instance because you only have a single dose of painkillers. Whom should you help? Absent any additional information, a coin flip would be as good as any decision procedure here: Amira and Boris seem to be equally deserving of being helped.

But now suppose we receive additional information: Boris *caused* the accident. And not just that, he did so on purpose. Who should be helped first now, given this additional information? It seems that a coin flip no longer offers the best decision procedure. Amira should be helped first, because Boris purposefully caused the accident. Boris is no longer as deserving of being helped as Amira is: *fault forfeits first*.²

The concept of desert seems, as Shelly Kagan has argued, to do a good job at explaining our intuitions about the factory accident case. It shows at work an idea that is central to many accounts of desert: the idea of moral balance. By causing the

² This is a principle first elaborated by Joel Feinberg (1970). Kagan (2012, 23–24) uses the factory accident case to start his inquiry into desert, the longest book ever written on the topic. I could have chosen a different example, but decided to use this one as a tribute to Kagan's work on desert, from which I learned a great deal.

accident, Boris puts a moral scale out of balance. By not helping him first, a step is taken towards restoring the balance. But all this raises a host of new questions: How do we know when a moral scale is out of balance? What are appropriate ways to restore balance? To decide these things, we need to become more precise on what it means to deserve something.

Claims that someone (or something³) deserves something are commonly thought to be a three-place relation, uniting a subject (desert subject), the response, treatment or good the subject is said to deserve (desert object), and the ground, or grounds, on which this object is said to be deserved (desert basis or bases).⁴ An example would be the claim that Boris (the desert subject) deserves not to be helped first (the desert object), because he purposefully caused the accident in the factory (the desert basis). By causing the accident, Boris has put a moral scale out of balance—and this lack of balance can be restored, or at least restored in part, by not helping him first.

Desert claims arise in many different contexts and take many different forms. We have seen an example of a plausible negative desert claim:⁵ Someone deserves *not to be helped first*. But we also often make positive desert claims: claims to the fact that someone deserves something.

1.2. Case 2: Saving someone from a burning house.

Tracy lives in a neighborhood with many timber-framed houses. One morning, she wakes up to the cries of her neighbor, Shirley. Shirley's house is on fire and she cannot escape. Tracy calls the fire brigade and waits, but when Shirley's cries stop, Tracy decides to try to save Shirley herself. Tracy gets a ladder, climbs into Shirley's house

³ Some philosophers argue that inanimate objects can deserve things. An example would be the claim that the Grand Canyon deserves protection. I am not aware of any sustained discussion of the topic of inanimate objects and desert, but McLeod does mention it briefly (2002).

⁴ Olsaretti, for instance, writes that one of “few basic points of agreement amongst desert theorists” is that “desert is a three-place relation between a person, the grounds on which is said to be deserving (the desert basis), and the treatment or good which she is said to deserve (the deserved good)” (2003b, 4). Owen McLeod says that “[t]he contemporary literature is agreed that desert ... is a three-place relation: it binds three sorts of things: (a) a subject, (b) a thing deserved by the subject, and (c) a basis in virtue of which the subject deserves it” (1998, 61–62). Feldman (2016, 36) and Feldman and Skow (2016) cite the same passages to illustrate the support for this received wisdom.

⁵ This use of the term ‘negative desert claim’ is distinct from Robert Goodin’s (1985). He has argued that desert claims are almost always negative in the sense that they merely give moral warrant for repairing states of affairs that are undeserved—but do not provide positive reasons for doing so.

through a window, finds Shirley lying unconscious on the floor, and carries her out of the house. Shirley survives. Unfortunately, the rescue leaves Tracy injured from burns and smoke inhalation. Tracy requires expensive treatment at the hospital, which means that her resource holdings decrease. Her welfare has also dropped considerably as a result of her injuries.

It seems that Tracy deserves to be well-off because of the heroic act she carried out. It seems that she deserves to have her medical treatment reimbursed; perhaps she even deserves to get a medal and some money. Here the thought of moral balance is relevant again: If Tracy's heroism would not be met with reimbursement and reward, the moral scale would be out of balance.

The philosophical literature on desert consists, to a large extent, of an inquiry into two questions that the factory accident and burning house examples raise:

- (1) What are appropriate desert subjects, desert objects, and desert bases?
- (2) What amount of the desert object fits with a certain amount of the desert basis or bases?

Sticking with the moral balance idea, one could imagine a scale with on one side the desert object, and, on the other side, the desert basis. Question (1) asks what lies on the scales: what things should we look at to evaluate whether moral balance has been achieved? Question (2) asks when these ingredients are in the right proportion to each other to warrant the claim that moral balance has been restored.

It seems intuitively plausible that Amira deserves to be helped first and that Tracy deserves to be reimbursed and rewarded. Nonetheless, many philosophers are critical about desert as a principle of distributive justice. Why is there so much philosophical resistance to a notion that, to many people, appears to be so intuitively connected to fairness and justice? To get a better grip on this question, it is helpful to consider in a bit more detail what the notion of desert is.

2. Three received wisdoms

There are three received wisdoms about desert claims that many desert theorists subscribe to. Discussing these wisdoms will help in getting a better sense of what desert claims are and what my PhD project contributes to the literature on desert and distributive justice.

Besides agreeing that desert claims are three-place relations, many desert theorists adopt a principle that restricts what desert claims can be about:

Received wisdom 1 (aboutness principle): The only permissible desert bases are acts and attributes of the desert object (cf. Feinberg 1970, 72; Olsaretti 2003b, 4; Sadurski 1985, 117).

The aboutness principle makes desert into an individualistic notion: You can only deserve on the basis of *your own* actions and the things that you suffer. You cannot deserve on the basis of someone else's actions and the things someone else suffers—nor can you deserve on the basis of states of the world that do not affect you personally. To see this, consider the following desert claim:

(1) J.K. Rowling deserves to be wealthy, because George R. R. Martin wrote the immensely popular Game of Thrones books.

This desert claim violates the aboutness principle, because the fact that George R. R. Martin wrote the Game of Thrones books is neither an act nor an attribute of Rowling's. This seems uncontroversial, but there are other questions concerning the aboutness principle that are less straightforward.

In particular, there is a discussion amongst desert theorists about whether the aboutness principle is enough. Can any act or attribute of people really be a basis for desert? People do, it seems, simply get lucky sometimes with the acts and attributes they have. To see this, consider the following desert claim:

(2) Derek deserves to win the beauty contest on the basis of his good looks.

Good looks are, at least some degree, a matter of good luck. Some desertist theorists take a very permissive view on desert and luck—a “laissez faire view”, as Olsaretti (2006, 411) has called it—according to which people can deserve on the basis of their acts and attributes, regardless of how lucky they are to have them. On this view, even if good looks would entirely be a matter of good luck, people could still deserve to win beauty contests on the basis of them.

The ‘laissez faire’ view about desert and luck seems appropriate for what are called ‘institutional’ desert claims, such as (1). On these claims, people should get a certain object in line with the rules or aims of institutions—regardless of how lucky they were in complying with them. But as Olsaretti (2006, 441–44) has argued, the ‘laissez faire’ view of desert is implausible for the type of desert that can function as a principle of distributive justice: Why would others owe someone a desert object if a person was simply lucky enough to have it? For that more fundamental type of desert, a less permissive view on desert and luck seems to be required.

A second, related, received wisdom about desert claims is that, if desert is to function as a principle of justice, people should at least have some control over the acts or attributes on the basis of which they deserve. These acts and attributes should not just be matters of luck: It would be unfair if some people received more of the currency of justice than others simply because they were lucky. To capture this thought, many desert theorists adopt a responsibility requirement on desert claims:⁶

Received wisdom 2 (responsibility requirement): When S deserves O on basis B, then S is responsible for B (cf. Feldman 1995, 64; McLeod 1998, 63).

Philosophers who endorse a responsibility requirement on desert claims need to take a position on when luck undercuts desert claims, and when it does not. To do so, it is helpful to distinguish between two different types of luck: performance luck and

⁶ In the literature on desert, the responsibility requirement is usually presented as a third received wisdom. One might also conceive of it, however, as a refinement of the aboutness principle, restricting the set of permissible desert bases to things the desert subject has control over. I take this second approach in chapter 2 (“Defending Asymmetries of Desert”) and in chapter 4 of this thesis (“Why Not Be a Desertist? An Argument for Desert and Against Luck Egalitarianism”). I do not think much hinges on which approach one takes.

background luck (Olsaretti 2006, 440). Performance luck is luck that disrupts performances, such as the death of a major competitor. Background luck is luck that affects the conditions under which a performance is made, such as having well-educated parents, a good school, a stable family life, and a high IQ.

Amongst those desert theorists who endorse a responsibility requirement on desert claims, there are two main views on when luck undercuts desert: the conventional view (Olsaretti 2006, 438–41) and the fair opportunity view (Olsaretti 2006, 444–48). According to the conventional view (endorsed by, among others, Miller 2001; Schmidtz 2006), only performance luck undercuts desert. On the fair opportunity view (endorsed by, among others, Dekker 2010; Olsaretti 2006; Temkin 2017), background luck can also, sometimes, undercut desert claims. To get a better sense of the differences between the *laissez faire* view, the conventional view, and the fair opportunity view, it is helpful to consider two further examples of desert claims.

Imagine a small town where two bakers, Mell and Sue, have each run sole-trader baking stores for twenty years. They are the only bakers in town and have roughly an equal share of the total market in baked goods. Then, one day, Sue suddenly dies of a heart attack. As a result, Mell's income doubles. Does Mell deserve to have her income double? Is the following desert claim justified?

- (3) Mell deserves to have her income double as a result of her sales doubling following Sue's death.

Those who uphold the *laissez faire* view, would say that claim (3) is perfectly justified. The death of a major competitor is performance luck that does not undercut Mell's desert of income. Matters are different on the conventional and the fair opportunity views. On those views, the sudden death of a major competitor is a type of luck that does undercut Mell's desert of the additional income she receives.

To see the difference between the conventional view and the fair opportunity views on desert and luck, consider the following desert claim:

- (4) J.K. Rowling deserves to be wealthy because she wrote the very popular Harry Potter book series.

Now, suppose that J.K. Rowling was only able to start the series because her parents are wealthy and funded her throughout the writing of the first book of the series. Rowling had good background luck. If claim (4) would be evaluated from the perspective of the conventional view, then it seems that the fact that Rowling's parents enabled her to write the book changes nothing about Rowling's desert of wealth. Having wealthy parents, after all, is not performance luck.

However, on the fair opportunity view, the fact that Rowling's parents enabled her, through their wealth, to start the Harry Potter book series would, at least to some degree, undercut her desert of wealth on the basis of writing these books. Not everyone is lucky enough to have parents who can fund during a period in which they work on a book manuscript.

The issue of desert and luck is an important one. I will return to it in chapters 2, 4, and 6 of the thesis. To give just a brief preview: In chapter 2, I point out that it is possible to elaborate desert-based views of distributive justice on which all people deserve to have a certain baseline level of well-being, simply in virtue of being persons. Because such desert claims are based on a characteristic that people have no control over (namely, being a person), imposing a responsibility requirement on them is unnecessary. In that same chapter, I also argue that imposing a responsibility requirement on desert makes desert-based distributive theories vulnerable to the charge that they require people to make shameful revelations, for instance about their capacity to work, or their intelligence (drawing on Wolff 1998). In chapter 4 (in particular, section 3.2.), Thomas Mulligan and I point out that one of the main differences between desertism and luck egalitarianism is that desertism is commonly thought to be more permissive of luck influencing distributive outcomes. And, finally, in chapter 6, Dick Timmer and I argue that all desert theorists who adopt the conventional view about luck and desert should endorse policies that cap the amount of income people can earn.

There is a third, and final, received wisdom about desert claims that is worth mentioning here. This wisdom is about the relationship between desert and time:

Received wisdom 3 (backward-lookingness): If at t , S deserves O in virtue of the fact that S did or has a certain attribute (B) at t' , then t' cannot be later than t (B. Barry 1965, 111; Feinberg 1970, 48; Kleinig 1971, 73; Miller 2001, 93; Sadurski 1985, 117; Rachels 1997, 100).

Many philosophers have argued that desert is backward-looking. They argue that the desert subject can only deserve on the basis of acts or attributes that lie in the past, or at most in the present. The following desert claim would, for instance, not be permissible:

(5) Luke (S) deserves to be punished (O) now (t) because he will commit a murder (B) a few months from now (t').

There are three main reasons why desert theorists insist that desert is backward-looking: one practical and two more fundamental.

The first, more practical objection (the epistemological objection) is that we can make mistakes when we predict the future: there are epistemological uncertainties about whether Luke will really commit the murder we expect him to commit—he might, at the very last moment, decide against committing it and therefore cannot be deserving of punishment before he carries out the murder.

The second reason (the desert paradox), is that if we punish Luke before he commits the murder we expect him to commit, we may change the future: It could prevent him from committing the crime (for instance, because he would be incarcerated), but it could also make him more likely to commit it ('if they are going to treat me like a criminal, I'll act like one').

The third reason (the freedom paradox) is that if we really know for sure now that Luke will commit the murder, then Luke may not be free not to commit it. If Luke does not have the freedom to do otherwise than commit the murder, then he may not deserve punishment for committing it. I will discuss and challenge the received wisdom that desert is always backward-looking in chapter 3 of this thesis.

3. Resisting generalized desert skepticism

Philosophical inquiry into the notion of desert during the past five decades has made it clear that there are three main reasons why many philosophers critical of desert as a principle of justice. First, a number of philosophers have come to doubt that desert ever has independent moral force—it appears that the concept is often used as a mere rubberstamp on claims generated by institutions and moral principles other than desert (the distinctiveness objection). Second, desert is often associated with the thought that people can deserve to suffer (the harshness objection).⁷ Third, a number of philosophers worry that people cannot be held responsible in a way that is required to deserve the currency of justice (the responsibility objection). I'll discuss each objection in turn here.

3.1. *The distinctiveness objection*⁸

The verb 'to deserve' is used quite often. In fact, it is difficult to spend a full day without saying, thinking, or writing the verb 'to deserve' at least once. People are, as Shelly Kagan has put it "friends of desert" (2012, 3). The verb 'to deserve', however, is often used as a rubberstamp on other claims. Often, when we say that someone deserves something, we mean that it would be good if someone were to get it, for reasons unrelated to desert—such as the demands of institutions, or the demands of other moral principles, such as need.

Philosophers who are critical of desert as a principle of distributive justice worry that desert is never more than a rubberstamp. It does not have independent moral force. It cannot, to put it more precisely, justify that people are owed a certain treatment by others. To get a grip on these discussions and see the objection more clearly, it is helpful to distinguish between institutional, preinstitutional, and prejusticial desert claims, a distinction that will recur in many of the chapters that make up this PhD thesis.

⁷ Note that the 'harshness objection' is better known as an objection to luck egalitarianism, pressed by, among others, Elizabeth Anderson (1999). I will use the term 'harshness objection' in this latter way in chapters 4 and 5 of this thesis.

⁸ The seminal contributions on which this section builds include: Feinberg (1970, 71–73), McLeod (1998; 2002), Miller (2003, 25), and Olsaretti (2003b; 2004, chap. 1).

Chapter 1: Introduction

Institutional desert claims. Institutional desert claims hold that someone should get something according to the rules or aims of an institution. An example of such a desert claim would be:⁹

(6) Amy deserves an A+ because she wrote an excellent essay.

When we say that Amy should get a certain grade, what we really mean is that she should get this grade according to the institution of grading. If the institution of grading would not be there, Amy would not be owed a grade. There is no fact of the matter about what grade she deserves absent that institution.

Desert claims generated by institutions may be better described as claims of entitlement: When we say that someone deserves something on the basis of the rules or aims of institutions, we really mean to say that someone is *entitled* to getting that thing according to these rules or aims. Amy has written an excellent essay, and, as judged by the criteria that have been drawn up, those who write excellent essays are entitled to get an A+.¹⁰

Now, if desert would always be fully reducible to the rules and/or aims of institutions, then it cannot be used to design institutions. There would be no fact of the matter about what people deserve, absent institutions. Institutions, hence, would have to be designed using principles other than desert.¹¹

Preinstitutional desert claims. Preinstitutional desert claims are not fully reducible to the aims or rules of institutions. Even preinstitutional desert claims, however, may sometimes be rubberstamp claims—but then on claims generated by other moral principles. To see this, consider the following claim:

⁹ This way of introducing the large variety of desert claims people make is inspired by the way Sher (1989, chap. 1) sets up his inquiry into desert.

¹⁰ Although I am only concerned with preinstitutional desert claims in this thesis, it seems to me that it could, sometimes, be valuable to analyze the outcomes of institutions through the lens of institutional desert. I am, broadly speaking, sympathetic to Lisa Herzog's (2017; 2018) proposal to partially evaluate the justice of market outcomes from the perspective of institutional desert.

¹¹ Note that aim-based and rule-based institutional desert claims can and do come apart. It is possible, for instance, that the rules of an institution are actually incompatible with its aims. For further discussion of the two types of desert claims, see Olsaretti (2003b).

- (7) Tracy deserves to get assistance, because giving it to her would benefit the worst off.

The claim that giving Tracy assistance would benefit the worst off is not wholly reducible to institutions. But while it is conceivable that a claim such as (7) could be used to design institutions, this is not really a desert claim either. What we say here is that Tracy should get assistance, because some other moral principle—for example Rawls's difference principle—stipulates that she should. Here, desert is, again, no more than a rubberstamp, but this time on claims generated by moral principles other than desert.

Prejudicial desert claims. Prejudicial desert claims, finally, are not fully reducible to moral principles other than desert (Scheffler 2003a, 69). An example of a desert claim that many philosophers take not to be fully reducible to other moral principles is (Miller 2001; Mulligan 2018a; Hsieh 2000):

- (8) Steve Jobs deserved to be wealthy because he made such a large productive contribution to the world economy

A great deal of the recent literature on desert is concerned with settling when desert claims are preinstitutional and when they are prejudicial. In other words, a great deal of the recent literature is concerned with the question when desert is a rubberstamp and when it is not. To get a sense of these discussions, consider a claim that is familiar from the previous section:

- (9) Boris deserves not to be helped first, because he purposefully caused the accident in the factory.

Some critics of Kagan's use of the factory accident example have argued that the fault forfeits first principle need not really be captured by the notion of desert (Lippert-Rasmussen 2016; Tadros 2017). Instead, it is much better captured by some other moral principle that is more plausible all-around. Tadros has suggested principles of a

more deontological cast than desert, such as ‘having the duty to compensate others you harm’ (2017, 396).

This brings us to the distinctiveness worry: Does desert ever pick out something that cannot be reduced to the claims generated by institutions or other moral principles? Does desert have independent moral force?

Many desert theorists agree that at least one type of desert does in fact have independent moral force: moral desert. Moral desert claims hold that people deserve to get something (usually wellbeing, or its cognates) on the basis of morally appraisable characteristics, such as the virtuousness of their actions and/or character (see, for instance, Arneson 2007; Kristjánsson 2005; Kagan 2012; Temkin 2017). A standard example of a moral desert claim is the following:

- (10) Luke deserves to be well-off on the basis of his virtuousness.

A number of desert theorists claim that people cannot just deserve on the basis of the moral nature of their actions or character, but also on other bases—such as their productive contributions (Miller 2001; Mulligan 2018a), the effort they exert (Sadurski 1985; Wolff 2003), the suffering they go through (Feldman 1995; McLeod 1996), or even their needs (Feldman 2016).

Although the topic of when, if ever, desert has independent moral force is an important one, I will not discuss it at much length in this PhD. The reason for this is that I think that it is too early for generalized desert skepticism. It is becoming increasingly clear, in philosophical discussions about desert, that it is a surprisingly complex notion. Given that attempts to uncover what the notion of desert is are still ongoing, I do not think it is warranted to dismiss the concept on the grounds of the distinctiveness worry alone.

3.2. The harshness objection

A second, common worry about desert is that it is a harsh notion. Many philosophers seem to think that a commitment to desert comes with a commitment to retributivism: the thought that people can deserve to suffer for the bad choices that

they make. As Kagan points out, however, one could very well be a “moderate” about desert—thinking that people can never deserve to suffer (2012, 26).

To see the distinction between moderatism and retributivism about desert more clearly, it is helpful to think of the factory accident case again. A retributivist might say that Boris, because he caused the accident, deserves not to be helped *even if* medicine would be available for him as well. A moderate, on the other hand, would say that in cases medicine is not scarce, both Amira and Boris deserve to be helped. Nobody deserves to suffer.

There are various ways in which one could argue for desert moderatism. I think it is worth examining one such argument here, because it will re-occur in various chapters of the thesis. To see the argument, suppose that we adopt an account of moral desert, according to which persons deserve well-being in proportion to their virtuousness. The moderate could, as Kagan (2012, chap. 4.1.; 2019, chap. 4.1.) has argued, stipulate that there is a minimum level of well-being that any person deserves, *simply* in virtue of being a person. If that is true and the minimal level of well-being is sufficiently high, then no amount of vice could make a person deserve to suffer.

In my thesis, I make three contributions to the discussion on whether desert is too harsh. Firstly, in chapter 2 (‘Defending Asymmetries of Desert’), I examine a potential challenge to moderatism about desert: the challenge that if one defends desert as a principle of distributive justice, then one must defend desert as a principle of retributive justice as well. I argue that this challenge can be resisted. It is possible to consistently hold that desert should play a central role in distributive justice, and no role in retributive justice.

Secondly, in chapter 4 (‘Why Not Be A Desertist? Three Arguments for Desert and Against Luck Egalitarianism’, co-authored with Tom Mulligan), we examine a set of cases in which desert actually appears to be less harsh than its closest competitor in the distributive justice literature: luck egalitarianism. These are cases in which people voluntarily choose to make a social contribution—such as saving someone from a burning building (as in the burning house case) or caring for a sick or elderly family member. The luck egalitarian would hold that people are not owed rewards for costly, socially valuable contributions, because they made them voluntarily. The

desertist, on the other hand, argue that she would. This, I contend, is an important difference between desertism and luck egalitarianism.

Thirdly, in chapter 5 ('Can Desert Solve the Principle of Stakes? A Reply to Olsaretti', co-authored with Willem van der Deijl), we examine a second set of cases in which desert actually appears to be less harsh than luck egalitarianism: cases in which people suffer from very bad option luck. One example would be Marc Fleurbaey's (1995) famous case of the motorcyclist Bert, who voluntarily decides to drive his motorcycle recklessly, whilst not wearing a helmet. Unfortunately, Bert ends up in a terrible accident and is in urgent need of expensive medical care. Luck egalitarianism has been criticized for holding that there is, in principle, no limit to the bad consequences that Bert can suffer as a result of his recklessness. Moral desert, on the other hand, would constrain these consequences in proportion to an act or characteristics of Bert's such as his virtuousness. These three points, I think, show that desertism may actually be less harsh than is commonly thought.

3.3. *The responsibility objection*

A third common worry about desert is that people cannot be held responsible in a way that is required to deserve. One version of this worry is often attributed to Rawls. He famously argued, in *A Theory of Justice*, that:

"[I]t is incorrect that individuals with greater natural endowments and the superior character that has made their development possible have a right to a co-operative scheme that enables them to obtain even further benefits in ways that do not contribute to the advantages of others. We do not deserve our place in the distribution of native endowments, any more than we deserve our initial starting place in society. That we deserve the superior character that enables us to make the effort to cultivate our abilities is also problematic; for such character depends in good part upon fortunate family and social circumstances in early life for which we can claim no credit." (1999, 89)

Robert Nozick (1974, 224) and Tim Scanlon (1986, 149), among others, take Rawls to be arguing here that people can never be responsible for their actions,

because these are ultimately the result of factors outside their control such as genes and upbringing. In terms of the debate on free will, these interpreters of Rawls take him to subscribe to an incompatibilist position,¹² which has it that “no differences between persons can be the basis for different desert claims because all differences between people are themselves undeserved” (Matravers 2011a, 142). If this is correct, then it follows that no one can deserve the objects of distributive justice, because deserving requires a type of free will that human beings simply do not have.

In response to the responsibility worry, I argue, in chapters 2 and 3, that the relationship between desert, justice, and responsibility may be more complex than is commonly thought. Received wisdom 2 may need to be revised: Whether a responsibility requirement is necessary, it seems, depends crucially on the choice of desert basis and the choice of desert object. To see this, consider the following desert claim (taken from Feldman 1995), which I will discuss at some length in chapter 3:

- (11) The child deserves a trip to Disneyland because she suffers from a genetic terminal illness.

This is an example of a compensatory desert claim, a claim in which the desert object is some kind of compensation. The child deserves compensation for her current and future suffering. Now, it is not the case that the child would only deserve a trip to Disneyland if she would be responsible for being terminally ill. In fact, she is especially deserving of a trip to Disneyland precisely because the illness is a terrible case of bad luck. It seems then, that not all compensatory desert claims need to be subject to a responsibility requirement.

Here is a second example (familiar from the harshness objection section) of a desert claim for which a responsibility requirement is not necessary, which I will discuss at some length in chapter 2:

¹² It should be mentioned here that Rawls (2001) states that his theory is political rather than philosophical and explicitly denies the relevance of the *metaphysical* problem of free will for his theory. I simply present interpretations of Rawls’ work here (and do not necessarily endorse them).

- (12) Luke deserves to have a baseline level of well-being, simply in virtue of being a person.

According to this claim, Luke deserves well-being on the basis of a characteristic he has no control over whatever: the fact that he is a person. It appears that again, a responsibility requirement is not necessary.¹³ I think that these two examples show that the relationship between desert, justice, and responsibility may be more complex than is commonly thought.

4. Looking ahead

This thesis contains five substantive chapters. Although these chapters were written as self-standing papers, they all contribute to answering the central question of this thesis: What role can desert plausibly play within egalitarian theories of distributive justice?

Chapters 2 and 3 are conceptual, asking what desert is. In these chapters, I end up challenging received wisdoms 2 (the responsibility requirement) and 3 (backward-lookingness). In chapter 2, I examine the question whether it is defensible to uphold asymmetries of desert: Is it defensible to hold that desert should play a very different role in distributive justice than it does in retributive justice? I argue that it is. There is no reason to expect desert to play the same role in distributive and retributive justice.

In chapter 3, I ask when, if ever, desert is forward-looking. Many philosophers have claimed that desert is always backward-looking. Fred Feldman (1995) was the first to challenge this received wisdom. Building on his challenge, I argue that the desert of chances, compensation, rewards, and praise can *sometimes* be forward-looking. I also argue that, all else equal, it is better that people get the desert object closer to the obtainment of the future facts that determine the desert basis.

In chapters 4 and 5, I move along to the relation between desertism and luck egalitarianism. Many luck egalitarians invoke desert, and it is not always clear when the two views differ. In chapter 4 (co-authored with Tom Mulligan), we ask what the

¹³ Facts about responsibility may still matter indirectly though. Desert claim 11 may be precisely because the child is not responsible for his illness.

differences are between desertism and luck egalitarianism. We argue that desert and luck egalitarianism come apart in three important contexts: First, compared to desertism, luck egalitarianism is sometimes *more stingy*: It fails to justly compensate people for their socially valuable contributions—when those contributions arose from option luck. Second, luck egalitarianism is sometimes *more restrictive than desertism*: It fails to justly compensate people who make a social contribution when that contribution arose from brute luck. Third, luck egalitarianism is *more limited in scope*: It cannot diagnose economic injustice arising independently of comparative levels of justice.

In chapter 5 (co-authored with Willem van der Deijl), we inquire into one way in which desert could supplement luck egalitarianism: as a principle that fleshes out the consequences of people's option luck. We argue that desertism can help luck egalitarians avoid harshness by constraining what can count as the negative outcomes of people's voluntary choices.

Chapter 6 (co-authored with Dick Timmer) takes a more applied perspective. In that chapter, we argue that desertism—along with Rawlsian egalitarianism and utilitarianism—supports not just a limit on the negative consequences people can bear (as in chapter 5), but also a limit on the positive consequences people can bear: it supports maximum income policies. We distinguish between different maximum income proposals, and argue that all three approaches support relative maximum income policies, and desertism also supports absolute maximum income policies.

Chapter 2: Defending asymmetries of desert¹⁴

1. Introduction

Is it defensible to hold that desert should play a very different role in distributive justice than it does in retributive justice?¹⁵ John Rawls (1999) thought so.^{16,17} He famously argued that desert should play no role in distributive justice, but should play central role in retributive justice. Many Rawls commentators have argued that he does not succeed in defending the asymmetry of desert in his theory of justice (Honig 1993, chap. 5; Matravers 2011a; Moriarty 2003; Scheffler 2000; Smilansky 2006). This has caused some to worry that his position on desert is inconsistent: the arguments Rawls uses to reject desert as a principle of distributive justice also seem to support rejecting desert as a principle of retributive justice (cf. Moriarty 2003). Samuel Scheffler (2000, 2003a) was the first to propose a defense of the asymmetry of desert in Rawls's work.

Although not many philosophers hold explicit views about both distributive and retributive justice, it would seem that quite a few are sympathetic to (a version of) Rawls's position on desert. Desert, after all, plays a central role in many philosophical accounts of retributive justice,¹⁸ whereas it plays no role in the major philosophical accounts of distributive justice.¹⁹ This is somewhat surprising, because,

¹⁴ This chapter is based on my single-authored paper "Defending Asymmetries of Desert", which is currently under review. For helpful comments and conversations on earlier drafts of that paper, I thank Constanze Binder, Daphne Brandenburg, Willem van der Deijl, Bart Engelen, Andrea Gammon, Shelly Kagan, Sem de Maagt, Thomas Mulligan, Serena Olsaretti, Attilia Ruzzene, Maureen Sie, Jojanneke Vanderveen, and Jack Vromen. I am also grateful to audiences in Aix-en-Provence, Amsterdam, Cape Town, and Rotterdam for helpful comments and questions.

¹⁵ Saul Smilansky (2006) and Jeffrey Moriarty (2003; 2013; 2018) use retributive justice to refer, broadly, to theories of punishment. I follow them in this usage of the term.

¹⁶ Scheffler (2000, 2003a), Matravers (2011a; 2011b), and Moriarty (2003), among others, argue that he does. I agree with their interpretation. However, the argument of this chapter does not hinge on whether Rawls did or did not endorse the asymmetry of desert.

¹⁷ The passages from which Rawls commentators have concluded that he endorses an asymmetry of desert are present in both the original (1971) and the revised edition (1999) of *A Theory of Justice*.

¹⁸ Anthony Duff (2003), Joel Feinberg (1970), Douglas Husak (1992; 2000), Michael Moore (2010), John Rawls (1999), Wojciech Sadurski (1985), and George Sher (1989), among many others, include desert as a condition for punishment in their theories.

¹⁹ Moriarty remarks on this that desert "plays an unimportant role in most contemporary theories of distributive justice" (Moriarty 2003, 518), and Smilansky remarks that "the notion of desert is ... neglected in our thinking about distributive justice (2006, 511). This is, of course, not to say that desert plays no role in theorizing about distributive justice at all. David Miller (2001), David Schmidtz (2006), and Michael Walzer (1983), among others, propose pluralistic theories that include desert as a distributive principle. Fred Feldman (2016) and Thomas Mulligan (2018a) have recently proposed monistic desert-based theories of distributive justice.

as *inter alia* Moriarty (2013, 537) points out, the arguments used against desert as a principle of distributive justice often seem to imply that desert should play the same role in both spheres; and the same holds true for the arguments used in favor of desert as a principle of retributive justice.

The question whether asymmetries of desert are defensible has been the subject of increasing attention, ever since Scheffler's (2000) initial defense of the asymmetry in Rawls's work. Besides Scheffler, both Saul Smilansky (2006) and Jeffrey Moriarty (2013) have proposed defenses. Scheffler's and Smilansky's defenses of asymmetries of desert have each been the subject of critiques, and Moriarty notes that his defense is only valid for 'weak' asymmetries—in which desert plays *a (somewhat) less central role* in distributive justice than it does in retributive justice (2013, 537).²⁰ It cannot defend 'strong' asymmetries—in which desert plays *no role* in distributive justice and *a central role* in retributive justice. This raises the question: are strong asymmetries of desert defensible at all?

In this chapter, I argue that strong asymmetries of desert are defensible. More specifically, I defend two claims. First, I argue that some recent defenders of desert-based theories of distributive justice may actually be interested in defending asymmetries that go the other way: in which desert plays a more central role in distributive justice than in retributive justice. Second, I argue that strong asymmetries in both directions can be defended. Throughout this chapter, I will discuss various conceptions of desert for which asymmetries of desert are defensible without, at any point, endorsing them.

The structure of this chapter is as follows. In section 2, I examine the notion of desert in greater detail, identifying three features of the concept that will play a central role in the defenses I develop later in the chapter. I then move on to distinguishing twelve ways in which desert could play an asymmetric role between the distributive and retributive spheres of justice, and discuss why these asymmetries stand in need of defense. In section 3, I briefly discuss the three defenses of the

²⁰ For critiques of Scheffler's (2000) defense, see Greenblum (2010), Hurka (2003), Husak (2000), Miller (2003), Mills (2004), Matravers (2011a), and Moriarty (2003). For a critique of Scheffler's (2003a) amended defense, see Moriarty (2018). For a critique of Smilansky's (2006) defense, see Moriarty (2013). Note that Moriarty (2013) criticizes Smilansky's (2006) defense and puts forth a defense of his own in the same paper.

asymmetry of desert that have been proposed so far, and criticize Moriarty's (2013) defense of weak asymmetries of desert. In section 4, I develop two lines of argument, which, taken together, can defend the two strongest asymmetries of desert I distinguished in section 2. I end this chapter with a conclusion, in which I point out that my defenses of strong asymmetries could be developed into defenses of weak asymmetries as well (section 5).

2. Identifying asymmetries of desert

People make desert claims all the time. We say, for instance, that (i) 'Barack Obama deserves to be President of the United States because he received the most Electoral College votes during the 2012 Presidential Election', (ii) 'Sandy deserves welfare, because giving it to her would benefit the worst off', and (iii) 'Steve Jobs deserved to be wealthy because he made such a large productive contribution to the world economy'.²¹

In each of these three desert claims, the verb 'to deserve' means substantially different things. The challenge for political philosophers is to single out those uses of the term that could function as a principle of justice.²² Three pieces of received wisdom about desert help in doing so, and play a central role in both understanding better what asymmetries of desert are, and how and why they are to be defended.

The first received wisdom is that desert claims on the currency of justice must be "preinstitutional" and "prejusticial" (Scheffler 2000, 978). This requirement excludes many common desert claims: in these claims, desert does not do any normative work, but is merely a placeholder for some other principle. Desert claim (i), for instance, is *institutional*. The verb 'to deserve' here says no more than that Barack Obama was, given the rules of the institutions regulating the election of the US President, entitled to be the President of the United States. Desert claim (ii) is *preinstitutional*, but not *prejusticial*. Here, the verb 'to deserve' means that Sandy

²¹ This way of introducing the distinction between preinstitutional and prejusticial desert claims is inspired by the first chapter of George Sher's book on desert (1989, 6–7).

²² Some of the seminal contributions were made by Feinberg (1970), Feldman (1995; 1996; 2016), Kagan (1999; 2012), Miller (2001), Moriarty (2018), Olsaretti (2004), Schmidtz (2006) and Sher (1989); as well as by the contributors to Olsaretti (2003a). For overviews of the desert literature, see Pojman and McLeod (1998), McLeod (2002), and Feldman and Skow (2016).

deserves to receive welfare because another principle of justice, John Rawls's difference principle, says that she should. (Olsaretti calls these "rubberstamp" desert claims, (2004, 19)). Desert *itself* does not do any added normative work.

Desert claim (iii), on the other hand, is, arguably, distinctive.²³ It neither relies entirely on institutions nor entirely on principles of justice other than desert. This *prejudicial* claim holds that the distribution of wealth should be in proportion to an attribute of Steve Jobs', namely his productive contribution. I am solely concerned with notions of desert that their defenders take to be preinstitutional and prejudicial—as are the other defenders of asymmetries of desert (Scheffler 2000; 2003a; Smilansky 2006; Moriarty 2013).^{24,25}

The second received wisdom about desert concerns the form that desert claims take. A desert claim is a three-place relation, uniting a subject (S) that is said to deserve an object (O) on a certain base (B) (McLeod 2002; Olsaretti 2003b; 2004, chap. 1). An example would be the claim that Rosemary (S) deserves to win the New York weightlifting contest (O) on the basis of having the strongest muscles of all contestants (B). There is a great deal of discussion on how the concept of desert should be transformed into a conception:²⁶ What are the appropriate subjects, objects, and bases of desert claims in a theory of justice?

Many different answers have been given to this question. As I will point out in section 4, the defenses I develop in this chapter are valid on a number of these

²³ Miller's (2001) theory of social justice includes productive contribution-based desert as a principle. Olsaretti (2004, chap. 3) argues that desert based on productive contribution may not be distinctive.

²⁴ Olsaretti (2003b; 2004, chap. 1) and Scheffler (2003a), among others, discuss in greater detail what it means for desert claims to be prejudicial. Some of the desert-based views that I will go on to discuss have been criticized as not being prejudicial. An example would be Feldman's community-essential needs-based view—see for instance, Alexander (2017), and Dekker's (2016) reviews of Feldman's book. Another example would be productive contribution-based conceptions of desert (see previous footnote). These are intricate disputes and I cannot settle them within the confines of this chapter.

²⁵ Note that I here exclude the possibility of wholesale skepticism about the existence of prejudicial desert claims in both spheres of justice, because such skeptics would not be interested in endorsing asymmetries of desert in the first place.

²⁶ I am using the Dworkinian concept-conception distinction here, as Rawls (1999, 5) does as well. I thank Serena Olsaretti for suggesting to frame the issue in these terms.

answers.^{27,28} The only restriction I make, is about the object of desert claims. I am concerned with desert of what is supposed to be the relevant currency of distributive and of retributive justice. I do not take a position, however, on what exactly the appropriate currency of distributive justice (be it (access to) income, wealth, wellbeing, jobs, and/or something else) and retributive justice (be it incarceration, suffering, and/or something else) are. My argument is valid on a wide range of answers to that question.²⁹

A final ‘received wisdom’ about desert that is relevant here, is what Feldman calls the “aboutness principle” (2016, 42): the principle that the base of desert claims should be an action or characteristic of the desert subject.³⁰ This principle rules out claims such as ‘Rosemary (S) deserves to win the New York weightlifting contest (O) because her parents would cry all night long if she does not (B)’. The crying of Rosemary’s parents, after all, is not an action or characteristic of Rosemary’s.³¹

Many argue that the aboutness principle should take the form of a responsibility condition.³² This condition is typically fleshed out as follows (Feldman 2016, 64): If S deserves O in virtue of the fact that S did or suffered B, then S is responsible for doing or suffering B. In the case of Rosemary, this would imply that if Rosemary deserves to win the New York weightlifting contest on the basis of her strong muscles, then she is responsible for her strong muscles.³³ The responsibility

²⁷ Many philosophers seem to assume that only human beings can be the appropriate subject of desert claims. Kagan (2019, chap. 4.1.) has recently argued, however, that other animals could be the subject of desert claims as well. McLeod (2002) speculates that even inanimate objects could be the appropriate subject of desert claims.

²⁸ Desert bases that have been defended include (purposeful) effort (cf. Sadurski 1985; Wolff 2003), productive contribution (Miller 2001), merit (Mulligan 2018a), virtuousness (Kagan 2012; Kristjánsson 2003) and (community-essential) need (Feldman 2016). Retributive desert bases that have been defended include (culpable) wrongdoing (Duff 2003; 2011; Kershnar 1995), and viciousness (Kagan 2012).

²⁹ Note, as, among others, Smilansky (2006) and Moriarty (2013) have stressed, that the distributive sphere is not just concerned with the distribution of benefits, but also burdens (such as taxes).

³⁰ The foundational discussion of this topic is by Feinberg (1970, 72).

³¹ It should be noted here that it is not clear where to draw the line—especially when it comes to characteristics (as opposed to actions) of the desert subject. Why, for instance, is it not a characteristic of Rosemary that she has parents who will cry all night if she does not win? I thank Serena Olsaretti for drawing my attention to this issue. It is a relatively neglected point in the desert literature deserves more attention than it has received so far.

³² For discussion, see Feldman (1995; 1996; 2016, chap. 2.3.), Olsaretti (2004, chap. 1), Rachels (1978), Sadurski (1985, chap. 5), and Smilansky (1996a; 1996b).

³³ Feldman (1995; 1996; 2016, 42–43) and Kleinig (1971, 74) reject the responsibility condition in this form. To see why, consider Feldman’s hamburger case: “Suppose [...] that a fast food restaurant is

requirement will prove important in the first of the two defenses I develop in section 4.1: the responsibility defense.

Now, philosophers who write about the asymmetry of desert have focused on asymmetries in which desert plays a more central role in retributive justice than in distributive justice. They commonly distinguish two asymmetries: strong and weak. In strong asymmetries, desert plays no role in distributive justice, but a central role in retributive justice. In weak asymmetries, desert plays at least some role in each sphere—but a more central role in retributive than in distributive justice.³⁴ It seems to me that there is reason to draw some further distinctions. It may actually be helpful to distinguish twelve, rather than just two asymmetries (listed in Table 1), for two reasons.

First, the distinction between weak and strong asymmetries of desert could be made more precise in order to reflect the four different roles desert commonly plays in the distribution of currencies of justice. Desert could be no condition, a necessary condition, a sufficient condition, and both a necessary and sufficient condition for receiving whatever is deserved. All of these positions have been defended recently in

careless with its hamburgers. Many customers become ill with food poisoning. Those customers deserve several things: an apology; some compensation for their illness; a refund of the money they spent on bad hamburgers. The customers deserve these things in virtue of the fact that they are innocent victims of the restaurant's carelessness. Yet in any typical case the customers bear no responsibility for the fact that they were being poisoned" (1995, 68). For discussion, see the exchange Feldman (1995; 1996) had with Smilansky (1996a; 1996b) about *inter alia* the responsibility requirement on desert claims.

³⁴ Scheffler discusses the strong asymmetries of desert. He defines the asymmetry that he finds in Rawls's *Theory of Justice* as the position that "denies that the principle of distributive justice make reference to a prejusticial notion of desert", but "allows that there may nevertheless be a legitimate place for prejusticial desert in our thinking about retributive justice" (2000, 979). Smilansky, on the other hand, takes the asymmetry to be the position that "we are morally justified in not assigning the same role to desert in distributive justice as it rightly has in retributive justice" (2006, 512)—in which desert "remains fundamental" (2006, 511). Moriarty discusses both types of asymmetries, and offers a defense of a weaker asymmetry, which he takes to be the position that although desert can still play an "important role" in distributive justice, it "cannot be expected to play *the same* role in distributive justice that it can play in retributive justice" (2013, p. 538, his emphasis).

Chapter 2: Defending asymmetries of desert

the literatures on distributive and retributive justice.^{35, 36} Second, recent defenders of desert-based theories of distributive justice may actually be interested in defending asymmetries that run the other way: in which desert plays a *more central* role in distributive than in retributive justice. The explanation for why this type of asymmetry has not been considered so far, I think, is how the discussion of asymmetries of desert started: as an attempt, by Samuel Scheffler (2000), to defend John Rawls' seemingly inconsistent position on desert.

The fact that desert could play four different roles, combined with the thought that asymmetries could run in both ways, brings the total number of asymmetries of desert up to twelve. Table 1 provides an overview.

	Distributive justice				
Retributive justice		<i>Necessary and sufficient</i>	<i>Necessary</i>	<i>Sufficient</i>	<i>No condition</i>
	<i>Necessary and sufficient</i>	Symmetry	1	2	3
	<i>Necessary</i>	4	Symmetry	5	6
	<i>Sufficient</i>	7	8	Symmetry	9

³⁵ Fred Feldman, for instance, has recently proposed a theory of distributive justice in which desert is the necessary and sufficient condition: He argues that people should only receive the objects of justice when they deserve those on the basis of their community-essential needs (2016, chap. 4). Miller (2001) defends a theory of distributive justice in which productive contribution-based desert is one of multiple sufficient conditions for receiving the objects of distributive justice, alongside equality and need. Anthony Duff, thirdly, argues for a theory of retributive justice in which desert is included as a necessary condition (2003; 2011). In his theory, desert only justifies the absence of immunity from punishment—not the actual punishment itself, which is justified by its capacity to effectively communicate censure. Elizabeth Anderson (1999), Robert Nozick (1974), John Rawls (1999), Michael Sandel (1998), Thomas Scanlon (2018), and Amartya Sen (1995) defend theories of distributive justice in which desert plays no role. Matravers (2011a), Russ Shafer-Landau (1996), and Victor Tadros (2011, chap. 4), finally, are examples of defenders of desert-less theories of punishment.

³⁶ Note that I do not claim that this list is exhaustive. Some philosophers, for instance, include desert in their theories of justice as a modifier of the claims generated by some other principle—take Richard Arneson's (2007) desert-adjusted prioritarianism. I do not consider such positions here, because (i) no philosopher has yet attempted to defend asymmetries in which desert is merely a condition for receiving the currency of justice in one sphere, and (ii) I am interested in defending strong asymmetries of desert in this chapter.

Chapter 2: Defending asymmetries of desert

	<i>No condition</i>	10	11	12	Symmetry
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Table 1: Twelve asymmetries of desert

My main aim in this chapter is to defend the strongest asymmetries of desert: asymmetries 3 and 10. In these asymmetries, desert is no condition at all for receiving the currency of justice in one sphere, but a necessary and sufficient condition for receiving the currency of justice in the other. Before going on to defend asymmetries 3 and 10, it is worth asking: why do we need to defend asymmetries of desert in the first place? There are, I think, two main reasons, which have both already been discussed by others who have written about asymmetries of desert—so I will only introduce them briefly here.

First, as mentioned in the introduction, arguments against desert in the distributive sphere often seem to carry over to the retributive sphere.³⁷ Similarly, arguments in favor of desert often seem to carry over to the distributive sphere (cf. Moriarty 2003, 520). If that is indeed the case, then those who endorse an asymmetry of desert may be inconsistent. Smilansky gives voice to this inconsistency concern when he remarks that “unless we find some good reason to distinguish between distributive and retributive justice when it comes to desert, we need to revise our thinking radically, either abandoning desert in retributive justice or making it paramount in distributive justice” (2006, 511).

Second, defending asymmetries of desert can deepen our understanding both of the notion of desert and of its plausibility as a principle of distributive and of retributive justice (cf. Moriarty 2003, 520–21). I will go on to suggest that distributive desert and retributive desert may actually be thought to be different kinds of desert, which are not subject to the same objections. I will also argue that even if one thinks that distributive and retributive desert are essentially the same kind of desert, the

³⁷ This has been pointed out by, among others, Hurka (2003), Matravers (2011a), Moriarty (2003; 2013; 2018), and Smilansky (2006).

same objection to desert may carry less weight in one sphere of justice than in the other sphere.

Having clarified what notion of desert is at stake at this chapter, distinguished twelve asymmetries of desert, and reiterated why these asymmetries stand in need of defense, I will now move on to briefly discussing the three existing defenses of asymmetries of desert, and, after exposing the already discussed flaws of some of them, provide my own criticism of Moriarty's (2013) defense, which has not been criticized yet.

3. Previous defenses

3.1. Scheffler's holism defense

Scheffler (2000) was the first to defend the asymmetry of desert in Rawls's work. The central thought in Scheffler's defense—which is careful and nuanced, and hence difficult to summarize briefly here—is that there is no fact of the matter about what an individual's distributive desert is, whereas there is a fact of the matter about what an individual's retributive desert is.

An individual's contribution to the social product, according to Scheffler, is inextricably bound up with the contributions of others.³⁸ There is no fact about what an *individual* contributed, and hence no adequate basis for distributing the currency of distributive justice between individuals. Scheffler claims that a similar argument cannot be made about the retributive sphere. There actually *is* a fact of the matter about an individual's wrongdoing, and the currency of retributive justice can be distributed on that basis.

If valid, Scheffler's argument could serve to defend asymmetries 3, 6, and 9.³⁹ However, there have been many critical responses to Scheffler's defense and he acknowledges its weaknesses in later work (2003a). Some commentators have argued

³⁸ In defense of this claim, Scheffler draws on Anderson (1999, 321) who argues that "from the point of view of justice, the attempt, independent of moral principles, to credit specific bits of output to specific bits of input by specific individuals represents an arbitrary cut in the causal web that in fact makes everyone's productive contribution depend on what everyone else is doing."

³⁹ Which asymmetry it defends, depends on what position one takes on the appropriate role of desert in the distribution of punishment. One could, for instance, hold, as Husak (1992) does, that desert is a necessary, but not sufficient condition for punishment, because desert cannot justify the harsh treatment involved in punishing.

that an individual's contribution to the social product *can*, in fact, be identified (Hurka 2003; Miller 2003; Moriarty 2003, 526–33).⁴⁰ Others have claimed that Scheffler's argument against distributive desert generalizes to retributive desert: there may be no fact of the matter about what an individual's wrongdoing is either (Husak 2000; Matravers 2011a).⁴¹

3.2. Smilansky's control-based defense

The second philosopher to come up with a defense of asymmetries of desert is Smilansky (2006). He argues that more philosophers, not just John Rawls, may be inclined to endorse a view of justice in which desert plays a less central role in the distributive rather than in the retributive sphere. Smilansky's aim is to defend 'weak' asymmetries, in which although desert is a condition for receiving the currency of justice in both spheres, it is a more demanding condition in the retributive sphere. Because he denies that desert is a necessary condition for receiving the currency of distributive justice, I think that Smilansky's aim is to defend asymmetry 2.

The central notion in Smilansky's defense of asymmetry 2 is that of control. He argues that both distributive and retributive desert are subject to a responsibility requirement in the form of a control condition. People do not, according to Smilansky, have a capacity for equal control over their productive contributions, which he assumes is the distributive desert basis, whereas they do have a capacity for equal control over their law abidance, which is the retributive desert basis. This asymmetry in people's capacity for equal control, he claims, makes it defensible for desert to play a less central role in distributive than in retributive justice.

A puzzling aspect of Smilansky's defense is that he mentions multiple times that he sets out to defend weak asymmetries of desert, but his argument actually seems aimed at defending strong asymmetries. After all, if people do not have a

⁴⁰ Smilansky (2006, 512) mentions that he agrees with Moriarty that people's distributive deserts can, in fact, be established.

⁴¹ Although these are the most common criticisms that have been raised against Scheffler's (2000) argument, there have been others. Greenblum (2010, 176–79), for instance, argues that Rawls's main concern about desert is not so much that there is no fact of the matter about an individual's productive contribution, but that it is impossible to find a distributive desert basis that is independent from people's native endowments and character—a worry that, in his view, generalizes to the retributive sphere of justice, and is not addressed by Scheffler's defense.

capacity for equal control over their productive contributions, and such a capacity is required for desert to play a role in distributive justice—then his defense, if valid, would actually defend asymmetry 3, instead of asymmetry 2.

Regardless of which asymmetries he intends to defend precisely, it seems that Smilansky's defense does not succeed. Moriarty (2013) has convincingly objected to Smilansky's defense that people do not, in fact, have a capacity for equal control over their law abidance. It is much more difficult for some people to abide the law than it is for others, because of a host of social and genetic luck factors. Hence, if a capacity for equal control is required, then desert should play no role in retributive justice either.⁴²

3.3. Moriarty's cost-based defense

After criticizing Smilansky's defense, Moriarty (2013) goes on to propose his own defense, which, if successful, could defend both asymmetries 1 and 5. Moriarty starts his defense by assuming that a *pro tanto* case can be made for the requital of desert in both the distributive and retributive spheres of justice (2013, 542). That is, he assumes that it would, in principle, be desirable to requite desert in each sphere of justice.

He then goes on to argue that a free market does not reward people according to any plausible conception of distributive desert. The reason is that market incomes are not corrected for the impact of factors for which people cannot be held responsible, such as the number of other suppliers of a good or service.⁴³ In order to distribute the currency of distributive justice in accordance with desert, then, a planned economy would need to be implemented, in which a central planning agency tracks how deserving each member of society is. History has shown, however, that

⁴² Smilansky (2006, 518–21) also argues that equal control is more important in the retributive sphere of justice than in the distributive sphere of justice, and that this provides another reason for desert to play a more important role in the former than the latter. I ignore this second part of his argument, because I do not think it can defend even weaker asymmetries of desert *unless* one accepts the claim, which Moriarty (2013) and I deny, that people have a capacity for equal control regarding their law abidance.

⁴³ To make his case, Moriarty relies on Arneson's argument that "the market distribution is set by supply and demand conditions, which have no tendency to produce results that are in conformity with any reasonable conception of individual desert" (2007, 266; also cited in Moriarty 2013, 541).

planned economies are terribly inefficient. Structuring the distributive process around desert would, hence, come with costs that are “unacceptably high” (2013, 542).

According to Moriarty, this cost objection to distributive desert does not apply with equal force to retributive desert. Although it is also expensive to establish for what part of their wrongdoing people can be held responsible, doing so is (much) cheaper in the aggregate, because fewer people break criminal law than make productive contributions.

The upshot is that requiring desert is prohibitively costly in the distributive sphere of justice, and would hence, on balance, not be required by justice—except perhaps for a few particular distribuenda of distributive justice that cannot be distributed by markets, such as “welfare benefits”, “university scholarships”, and “compensation for carework” (2013, 544). The same does not go for requiring desert in the retributive sphere of justice. The asymmetry in the costs of requiring desert in each sphere can, according to Moriarty, justify that desert plays a less central role in distributive justice than it does in retributive justice.

Although I think that Moriarty’s defense is helpful and insightful, it seems to me that it is less successful than he makes it out to be, for two reasons. First, there are various indirect and less readily quantifiable costs of punishing wrongdoers in accordance with their deserts, which Moriarty does not consider.⁴⁴ A few examples would be a reduction in the employment possibilities of those who served their sentence, the long-term physical and mental health costs to the incarcerated, and the physical and mental health costs to the families and communities of the incarcerated. If one takes all of these costs into account, the costs asymmetry on which Moriarty’s defense relies becomes less pronounced.

Secondly, as I mentioned, Moriarty assumes that a *pro tanto* case can be made for the requital of desert in both spheres of justice. This, however, is precisely the

⁴⁴ Moriarty only mentions the costs of the prison system: “The number of people incarcerated in the U.S.—whose incarceration rate and amount exceeds by a wide margin every other country—is 2.3 million, at a cost of \$44 billion” (2013, 543). There are, however, various other costs that can be quantified easily, such as that of finding wrongdoers (police) and convicting them (courts, legal aid, prosecution). Another point that he does not consider is that the clearance rate for many crimes categories is quite low in the United States; increasing that would come at significant additional costs (for crime clearance rates, see FBI 2017).

assumption that often is at issue in debates about desert and justice:⁴⁵ It is not the case that many philosophers understand both distributive justice and retributive justice in terms of desert and grind their teeth at their inability to find ways to requite distributive desert in a cheap enough manner. As a result, many philosophers who are drawn to endorsing asymmetries 1 or 5 will, I fear, not be able to avail themselves of Moriarty's defense. They would require a more principled defense.⁴⁶

Having surveyed previous defenses of asymmetries of desert, criticized Moriarty's defense of asymmetries of desert, and argued that the two strongest asymmetries I identified, asymmetries 3 and 10, are currently undefended, I will now move on to my defenses of these two asymmetries.

4. Defending stronger asymmetries of desert

4.1. The responsibility defense (asymmetry 10)

The first asymmetry of desert that I will defend is asymmetry 10. It holds that desert is no condition at all for receiving the currency of retributive justice, but is both a necessary and sufficient condition for receiving the currency of distributive justice. I call this defense the 'responsibility defense', because the responsibility requirement on desert claims plays a central role in it. The responsibility defense consists of two premises:

Defending asymmetry 10

⁴⁵ An example would be Rawls's (1999, secs. 17 and 48) well-known argument against desert. Moriarty (2003) provides a helpful classification of various common arguments (including Rawls's) against desert as a principle of distributive justice.

⁴⁶ One option, I think, to make Moriarty's defense more principled is to object to a planned economy not on the grounds of the monetary costs of implementing it, but on the grounds of liberty: a planned economy would significantly restrict people's freedom. The cost of restricting people's freedom through a planned economy may be unacceptably high in the distributive sphere of justice. A similar freedom-based objection seems much plausible in the retributive sphere of justice, which, at least in part, aims at restricting the freedom of wrongdoers. I will not explore this possibility further in this chapter, but I think that such a freedom-based argument, could, potentially, be developed into a successful defense of strong symmetries of desert.

1. *Responsibility requirement*: Desert claims on the currency of distributive justice *are not* subject to a responsibility requirement, whereas desert claims on the currency of retributive sphere *are* subject to a responsibility requirement;
2. *Not satisfied*: The responsibility requirement on retributive desert cannot be satisfied.
3. *Therefore*: Desert can defensibly be no condition for receiving the currency of retributive justice and a necessary and sufficient for receiving the currency of distributive justice.

4.1.1. An asymmetric responsibility requirement (premise 1)

As mentioned before, many desert theorists hold that desert claims are subject to a responsibility requirement of the following form: If S deserves O in virtue of the fact that S did or suffered B, then S is responsible for doing or suffering B. This requirement is imposed to prevent unfairness: without it, there would not be an equal opportunity to become deserving (cf. Olsaretti 2003b; 2004, chap. 1). In premise 1, this widely endorsed claim about desert, justice, and responsibility is limited to the retributive sphere and thus rejected for desert claims in the distributive sphere.

What reason could there be to reject the responsibility requirement on desert claims on the currency of distributive justice? Some philosophers have argued that a person may deserve things on the basis of, as Matthew Adler has recently put it, “the very characteristics that determine her identity” (2018, 197). An example would be Fred Feldman (2016)’s view of distributive justice, in which all people deserve to have their community-essential needs—such as (access to) education, infrastructure, and security—met, simply on the basis of having these needs. According to Feldman, and this is crucial, people are not responsible for having community-essential needs: they simply have them in virtue of being human and they can only be satisfied with the help of others.⁴⁷ It would, hence, be inappropriate to impose a responsibility requirement on desert claims with community-essential needs as a basis: if we did, no

⁴⁷ See footnote 33 for references to Feldman’s work on desert and responsibility.

one would deserve to have their needs met, because no one is responsible for having them.⁴⁸

In the retributive sphere of justice, on the other hand, it would be inappropriate to choose a desert basis that identifies characteristics of people that they cannot be held responsible for. The retributive sphere of justice is, after all, concerned with the distribution of deliberately inflicted burdens and harms (such as imprisonment). It would be unfair to impose such harms on people on the basis of factors they cannot be held responsible for. This defends the second part of premise 1.

4.1.2. Not satisfied (premise 2)

Having provided a reason why one might reject the responsibility requirement on distributive desert claims but not on retributive desert claims, I will now move on to defending the second premise of the responsibility defense: that the responsibility requirement on desert claims cannot be satisfied. Quite a number of philosophers have objected to desert on the grounds that people cannot be held responsible in the way that would be required to be deserving, for instance because “no differences between persons can be the basis for different desert claims because all differences between people are themselves undeserved” (Matravers 2011a, 142). A version of this objection to desert is frequently attributed to Rawls (1999, secs. 17 and 48)⁴⁹ and Scanlon (1998, chap. 6). The details of these objections are not relevant to the argument here. What matters is that they only apply to desert claims that are, in fact, subject to a responsibility requirement. If one can deserve on the basis of the very characteristics that determine one’s identity, as Feldman (2016) and Kagan (2012; 2019) argue, then this objection to desert does not apply.

4.2. The shameful revelation defense (asymmetry 3)

⁴⁸ Another philosopher who has recently denied that distributive desert claims are (always) subject to a responsibility requirement is Shelly Kagan. He argues (2019, chap. 4.1.) that human beings might deserve to have the same level of wellbeing simply in virtue of having agency and the capacity to experience wellbeing (also see his 2012, chap. 4.1.).

⁴⁹ For discussion of Rawls’s position on desert, see Olsaretti (2004, chap. 1), Matravers (2011a), Moriarty (2003; 2005b), and Sher (1989, chap. 2).

I will now move on to defending asymmetry 3: desert is no condition at all for receiving the currency of distributive justice, but is both a necessary and sufficient condition for receiving the currency of retributive justice. I call this defense the shameful revelation defense, because it builds on the notion of shameful revelation that Jonathan Wolff introduces in his critique of responsibility-sensitive egalitarianism (1998; 2010).

The shameful revelation defense holds for a different set of desert-based views than the responsibility defense. In particular, the shameful revelation defense assumes that desert claims are subject to a responsibility requirement in *both* spheres of justice. Those who, such as Feldman (2016), deny this, would hence not be able to avail themselves of this defense.⁵⁰

The central thought in the responsibility defense is that implementing certain desert-based theories of justice would require people to reveal facts about themselves that they consider shameful, and that forcing them to do so would, under certain conditions, be permissible in the retributive sphere, but not in the distributive sphere.

The shameful revelation defense consists of two premises:

Defending asymmetry 3

1. *Shameful revelation*: Implementing responsibility-sensitive desert-based theories of justice requires people to make shameful revelations.
2. *Justified harm*: Requiring people to make shameful revelations is permissible in the retributive sphere of justice, but not in the distributive sphere of justice.

⁵⁰ The shameful revelation defense may also hold for certain conceptions of desert that are not subject to a responsibility requirement. I think, however, that the concern about shameful revelations is most pressing for conceptions of desert that are subject to a responsibility requirement, because these actually require more detailed investigations into people's lives. To see this, take productive contribution-based views of desert of income. Absent a responsibility requirement, it would be possible to establish what income a person deserves by measuring her productive contribution. With a responsibility requirement, doing so would not suffice—it would also need to be established what part of her productive contribution she can be held responsible for, which may require, among other things, correcting for her intelligence. For further discussion on what information would need to be gathered to implement responsibility-sensitive views, see Wolff (1998; 2003; 2010) and Roemer (2000).

3. *Therefore*, desert can defensibly be no condition for receiving the currency of distributive justice and a necessary and sufficient for receiving the currency of retributive justice.

4.2.1. Shameful revelation (premise 1)

Shameful revelations are the forced revelation of “facts that one finds demeaning or shameful, even humiliating” (Wolff 1998, 114). Such forced revelations could involve the direct involvement of the person concerned (they themselves are required to reveal the relevant facts), or only their indirect involvement (others invade their privacy to gather the relevant facts about them). An example of a shameful revelation would be a governmental agency forcing individuals who apply for welfare benefits to demonstrate that they lack the aptitude for the jobs that are currently available.⁵¹

Applying this to responsibility-sensitive desert-based theories of justice, let us take two archetypical responsibility-sensitive desert-based theories justice—one of distributive justice and one of retributive justice. The distributive theory holds that people deserve the currency of distributive justice on the basis of their productive contribution. The retributive theory holds that people deserve the currency of retributive justice on the basis of their wrongdoing. In both theories, desert is the necessary and sufficient condition for receiving the currency.⁵² So, for instance, if and only if you productively contribute to society, you deserve additional pay. And if and only if you have committed a crime, you deserve the appropriate punishment.

To prevent unfairness, it is necessary to impose a responsibility-requirement on the desert basis in each of these two archetypical theories. It would, after all, be unfair if people would receive more of the currency of distributive justice because they made a larger productive contribution than others, even though they were not responsible for making this larger productive contribution (for instance, because they have a higher IQ, or were raised in a family that stimulated them to work hard). Similarly, it would be unfair if people would receive the currency of retributive justice

⁵¹ What counts as a shameful revelation is, at least in part, subjective for Wolff: “to some degree at least, what is considered shameful is socially relative and contingent” (1998, 114). It is not necessary, however, to assume this in order for the shameful revelation defense to go through.

⁵² Note that the defense also holds if desert is a necessary condition. Since I am setting out to defend a strong asymmetry, however, I assume here that desert is both a necessary and sufficient condition.

(such as a fine, or imprisonment), even though they are not responsible for their wrongdoing (for instance, because neuroscientists manipulated their brain to get them to commit a crime).⁵³

Implementing our archetypical desert-based theories requires shameful revelations. The reason is that to measure accurately what, if any, part of people's productive contribution and wrongdoing they can be held responsible for, a great deal of information needs to be gathered about them. It would be necessary to obtain information about how intelligent they are, what family circumstances they grew up in, what genetic medical conditions they might suffer from, and so on (cf. Moriarty 2005b; 2008; Roemer 2000; Wolff 2003). Many people will find it shameful if they are forced to reveal such intimate information about themselves to the government (and/or if the government gathers these facts about them). This defends premise 1 of the shameful revelation defense.

4.2.2. Justified harm (premise 2)

Shameful revelations are objectionable because they are incompatible with the value of respect (Wolff 1998). Requiring people to make such revelations can make it seem as if you distrust them. An iconic example here is the social services officer coming into one's house to count the number of toothbrushes in the bathroom in order to make sure that one is not cohabitating without telling them. Such shameful revelations may be thought to be a decisive reason to reject responsibility-sensitive desert-based theories of distributive justice. The idea of a tax office that gathers information about, among other things, their intelligence, family background, genetic medical conditions, and cohabitation arrangements is abhorrent to many people. Elizabeth Anderson (1999) puts this point forcefully in her critique of luck egalitarianism—asking the reader to imagine the demeaning letters that the State Equality Board would have to send to people if luck egalitarianism were to be implemented.⁵⁴

⁵³ This alludes to the first of the four Cluedo cases that Pereboom (2005) introduces in support of indeterminism.

⁵⁴ The message to those who have trouble making productive contributions seems especially relevant here: "To the stupid and untalented: Unfortunately, other people don't value what little you have to offer in the system of production. Your talents are too meager to command much market value."

At the same time, however, gathering such information in the context of retributive justice seems much less objectionable. It is common practice in the criminal justice system in the United States to gather detailed information about the accused, with the information about their DNA as perhaps the most extreme example. I think this points to an important difference between the two spheres. In the retributive sphere, the desert subject stands accused of wrongdoing. There is probable cause that she has betrayed the trust that society placed in her. Hence, gathering the information required to punish her in accordance with her desert may not as morally problematic as it is in case the distributive sphere of justice. This defends premise 2 of the shameful revelation defense.

5. Conclusion

Asymmetries of desert are the subject of increasing attention. Is it defensible to hold that desert should play a very different role in distributive justice than in retributive justice? In this chapter, I have argued that it is. My argument might seem internally inconsistent. I have claimed, using the responsibility defense, that it is consistent to hold that desert is both a necessary and sufficient condition for receiving the currency of retributive justice, and no condition at all for receiving the currency of distributive justice. I have, however, also argued, using the shameful revelation defense, that it is consistent to claim that desert is no condition for receiving the currency of distributive justice and a necessary and sufficient condition for receiving the currency of retributive justice.

I should stress that, despite appearances, there is no inconsistency. It may be thought, as the responsibility defense attempts to show, that distributive desert is a different type of desert than retributive desert, and that these different types of desert are not subject to the same objections. It may also be thought, as the shameful revelation defense aims to show, that although distributive and retributive desert are

Because of the misfortune that you were born so poorly endowed with talents, we productive ones will make it up to you: we'll let you share in the bounty of what we have produced with our vastly superior and highly valued abilities" (Anderson 1999, 305).

vulnerable to the same objections, these objections may be asymmetrically pressing in the different spheres of justice.

Although my focus in this chapter has been on defending strong asymmetries of desert, I think that it is possible to defend weaker asymmetries of desert as well. In fact, the two defenses I develop could be turned into defenses of weaker asymmetries of desert by weakening the second premise of each defense. Doing so, however, is a project for a different occasion.

For now, I conclude that those who defend desert as a necessary and sufficient condition in one sphere of justice, are not committed to also endorsing it as a necessary and sufficient condition in the other sphere. Strong asymmetries of desert can, in fact, be defended.

Chapter 3: When, if ever, is desert forward-looking?⁵⁵

1. Introduction

“You still have a choice.”

- Agatha to John, who has seen himself kill Leo Crow on a screen in the PreCrime department and is now about to do it. (Minority Report, 2002)

We sometimes say that what people deserve depends, in part, on what will happen in the future: ‘The student deserves the scholarship because she will do well, given the chance.’ ‘The professor deserves tenure, because she will continue to make a great contribution to the department.’ ‘The child deserves a trip to Disneyland now because she will be very ill later.’ ‘The people of Bangladesh deserve compensation for the climate change damage they will suffer.’

Although forward-looking desert claims are sometimes made in everyday speech, the received wisdom amongst philosophers is that desert claims are always backward-looking.⁵⁶ Fred Feldman (1995) was the first to challenge this received wisdom: he argues that, sometimes, if at time *t*, desert subject *S* deserves object *O* in

⁵⁵ This chapter is based on my single-authored paper “When, If Ever, Is Desert Forward-Looking?”, which is currently under review. Some modifications to the original article have been made. For helpful comments and discussion, I am grateful to Alexander Andersson, Willem van der Deijl, Teun Dekker, Yvette Drissen, Bart Engelen, Shelly Kagan, Tim Klaassen, Tom Mulligan, Serena Olsaretti, David Schmidtz, Rozemarijn van Spaendonck, Maureen Sie, and audiences at the Ethics seminar of the TiLPS (on 21/02/2019) in Tilburg and the 2019 PPE society meeting in New Orleans (on 28/03/2019).

⁵⁶ Here are six statements of the received wisdom: First, Wojciech Sadurski claims that “desert considerations are always past oriented. When talking about desert, we are evaluating certain actions which have already happened. That is why it is a confusion to base desert upon utilitarian grounds” (1985, 117). Second, Brian Barry argues that “[d]esert looks to the past—or at most to the present—whereas incentive and deterrence are forward-looking notions” (1965, 111). Third, John Kleinig writes that “[d]esert can be ascribed to something or someone only on the basis of characteristics possessed or things done by that thing or person. That is, desert is never simply forward-looking” (1971, 73). Fourth, Joel Feinberg says that “if a person is deserving of some sort of treatment, he must, necessarily, be so in virtue of some possessed characteristic or prior activity (1970, 48). Fifth, James Rachels argues that “what people deserve always depends on what they have done in the past” (1997, 100). Sixth and finally, David Miller claims that “[d]esert judgments are justified on the basis of *past* and *present* facts about individuals, never on the basis of states of affairs to be created in the future. Desert is a ‘backward-looking’ concept, if we regard the present as the limit of the past” (2001, 93).

virtue of the fact that S did or suffered something at t' , then t' can be later than t . Feldman gives the following desert claim as an example: a child (S), may deserve to go to Disneyland (O) now (t), in virtue of the fact she is going to be very ill (B) later (t'). Feldman suggests that whether desert is forward-looking crucially depends on the choice of O, the desert object. The desert of punishment, according to him, is never forward-looking—whereas the desert of compensation for harm, such as a severe illness, *sometimes* is. Feldman concludes that “if there is any relation between desert and time, it is far more complex” than philosophers commonly assume (1995, 76).

There are two reasons why it is important to consider whether desert can be forward-looking. The first is that forward-looking desert claims are sometimes made in everyday life, especially in the context of hiring decisions and compensation. If desert really can only be backward-looking, as many philosophers would have it, then we may need to revise such everyday moral claims. The second is that, the past few decades of inquiry into desert have shown that, as Shelly Kagan put it, the notion of desert is “surprisingly complex” (2012, 3). If it is the case that desert claims on some objects can sometimes be forward-looking, then this would reveal yet further complexities of the notion.

Feldman’s challenge to the received wisdom that desert is forward-looking has been met with two responses. The first is to resist it and argue that desert really is a backward-looking concept (Kristjánsson 2005; Celello 2009). The second is to build on Feldman’s suggestion that desert may sometimes be forward-looking, and propose a more elaborate account of forward-looking desert (Schmidtz 2002; Kagan 2012). The question of this chapter is under what conditions, if any, desert may plausibly be forward-looking.

I answer this question in three steps. First, I introduce Feldman’s argument for forward-looking desert in greater detail, and defend it against objections by Kristjánsson (2005) and Celello (2009) (section 2). It seems to me that although their objections are insightful in establishing under what conditions forward-looking desert is implausible, they fail to establish that forward-looking desert of *all* objects is *always* implausible. Secondly, I argue that the desert of chances, compensation, praise, and rewards can be forward-looking (section 3). Thirdly, I argue that, all else equal, it is better that people get what they deserve at the time they deserve it (section 4).

2. Resisting challenges to Feldman's argument for forward-looking desert

2.1. Feldman's argument for forward-looking desert

Feldman sums up the received wisdom that desert is backward-looking in the following way:

“D[esert]T[ime]: If at t S deserves x in virtue of the fact that S did or suffered something at t' , then t' cannot be later than t ” (1995, 67)

Feldman challenges DT through a series of examples, all of which involve the desert of compensation for harms that will occur in future. His first example is of children who will suffer from severe illnesses. According to Feldman, these children (S) “deserve extraordinary benefits” (O) now (t), such as a visit to Disneyland, because they will be very ill (B) later (t') (1995, 70). His second example is that of soldiers who volunteer to go on a suicide mission. According to Feldman, such soldiers (S) are “deserving of great honours” (O), such as “medals” and “promotions” (1995, 70–71), now (t), on the basis of the mission they will carry out (B) in future (t').⁵⁷

Feldman anticipates that defenders of the received wisdom that desert is backward-looking might respond that, in both cases, the desert object is actually deserved on the basis of facts that lie in the past and the present. We could say that children who have contracted fatal illnesses deserve a trip to Disneyland on the basis of the very fact that they “*have contracted fatal diseases*”, and/or because they “*have already suffered*” (1995, 71, emphasis his). We could say that soldiers deserve medals and promotions because they “*volunteered...for their suicidal missions*” (1995, 71, emphasis his).

He responds to this objection with the example of two children who suffer from painful diseases. Both have suffered for several months. The first, however, will soon make a full recovery—whereas the second will, unfortunately, die. Now suppose

⁵⁷ Feldman also discusses a third case: that of a custom's officer who is going to search the bags of a traveler, without the traveler having given the officer any reason to do so. According to him, this traveler deserves an apology from the custom's officer, even before her privacy is going to be invaded. I ignore this case here, because it is, in structure, quite comparable to the suicide mission case.

that we have one trip to Disneyland to divide between these two children. Who of the two deserves it the most? The answer seems to be: The child with the fatal disease. If that is true, then, Feldman argues, facts that will only obtain in future (t') do seem to determine who is more deserving now (t).

Besides the desert of compensation for future harms, Feldman also considers whether the desert of punishment can be forward-looking. According to him, it cannot be, for four reasons. It is worthwhile to discuss these reasons here, because critics of Feldman's argument have argued that these reasons generalize to the forward-looking desert of compensation (Celello 2009; Kristjánsson 2005).

The first reason why, according to Feldman, the desert of punishment cannot be forward-looking is that *epistemological uncertainties* are pervasive in the case of punishment. We rarely really know for sure what the future will bring—there usually is a chance, however small, that a person will not commit the crime we expect her to commit. To avoid the injustice of wrongfully punishing a person, we must, therefore, wait and see whether she actually commits the crime.

The second, related but more fundamental reason is that forward-looking desert of punishment faces a *freedom objection*. To deserve punishment for a crime, a person must, according to Feldman, have had the freedom to do otherwise than commit it. If we really know for sure, however, that a person is going to commit a crime, then she cannot do otherwise but commit it, meaning that she cannot deserve punishment for it.

The third reason why, according to Feldman, the desert of punishment cannot be forward-looking is that it sometimes faces a *desert basis obtainment objection*. To see this, consider that it would only be justified to punish a person for a crime she will commit in future, if we know for sure that she will commit it. But if we punish the would-be criminal for committing the crime before she actually commits it, for instance by incarcerating her, then she may never commit it—and hence the desert basis (committing the crime) will never obtain.

Feldman points out that the desert basis obtainment objection does not apply to all types of punishment. It seems especially pressing in the case of more severe punishments, such as incarceration. Less severe punishments, such as fines, may not prevent the obtainment of the desert basis. In such cases, a fourth concern arises:

punishing people before they commit crimes may be regarded as equivalent to *granting permission* for crimes: If, for example, a person can pay a fine for speeding before actually doing it, it would seem as though she could buy permission to speed.

Taken together, Feldman argues, these four reasons explain why the desert of punishment can never be forward-looking. These reasons, he claims, do not apply to the desert of compensation for future harms. The position that Feldman defends, then, can be summarized as follows:

D[esert] F[orward-looking] 1: If at t , S deserves compensation (O) in virtue of the fact that S did or suffered something (B) at t' , then t' can sometimes be later than t .

Critics of Feldman's argument have focused on the first three objections that Feldman raises against the forward-looking desert of punishment, and argued that these apply to forward-looking desert of compensation as well. If that is true, then the received wisdom that desert is backward-looking would be salvaged. I will push back against these attempts at generalization.

2.2. *The epistemological objection*

Both Kristjánsson (2005) and Celello (2009) raise an epistemological objection to forward-looking desert of compensation. They point out that in the case of the sick children, it might be that a cure is miraculously found before the children die (Kristjánsson 2005, 152--also see; Celello 2009, 148–49). In the case of the suicide mission soldiers, it could be that the soldiers die of a heart attack before being able to carry out the mission. Our desert judgments about the deservingness of the children and the soldiers, then, are based on reasonable expectations—not on certainty about what will happen. Given this, it would be impracticable to implement forward-looking desert: we never really know for sure what the future will bring.

I agree with Kristjánsson and Celello that we face difficulties, sometimes severe ones, in establishing what will happen in future, and, more in particular, what a person will do in future. But note that this is not a fundamental objection to the claim that desert can be forward-looking. It could be that it is, even though we are, in

Chapter 3: When, if ever, is desert forward-looking?

practice, not able to make forward-looking desert claims because of epistemological constraints.

I do think, however, that we are able to make forward-looking desert claims in practice as well. To see this, consider that (1) there are epistemological difficulties about establishing what has happened in the past as well, which are not taken to undermine backward-looking desert claims; (2) epistemological uncertainties about the future come in degrees and (3) different standards of certainty may be required, depending on the choice of desert object. Combined, these three considerations suggest that uncertainties about what will happen should not always prevent us from making forward-looking desert claims.

Let's take a closer look at each consideration. First, many defenders of backward-looking desert views do not require absolute certainty about what happened in the past. Many retributivists, for instance, believe that epistemological uncertainties are not a detrimental objection to their view: They believe we are justified in assuming that, on balance, people can deserve punishment even though it is difficult to establish with certainty whether they have committed a crime and under what precise conditions they committed it (for instance: Were they compelled by others? Were they under the influence?). In fact, I suspect that many retributivists would endorse punishing a person when we are as certain that the person committed the crime, as we are that the terminally ill child is going to die from her illness. Many retributivists, after all, require that it is beyond *reasonable doubt* that a person has committed a crime—not that it is certain that they did.

Second, although it will often not be beyond reasonable doubt what will happen in future, it sometimes is: Uncertainties about what will happen come in degrees. Take Feldman's case of the sick children again. It is, sadly, quite certain that these children are going to die. Of course, there are possible futures in which they do not. The children may, as Kristjánsson and Celello point out, be miraculously cured. The world may cease to exist before the illnesses have run its course. But it seems, nevertheless, beyond reasonable doubt that the children will die.

Matters are very different in the case of criminal wrongdoing. Someone who is planning to commit a crime might, up to the very second before committing it, still choose to refrain from carrying it out (remember the 'you still have a choice' quote

from *Minority Report*). What this points to, is that the epistemological difficulties we face in establishing someone's future desert may not be as pervasive for all desert claims.

Thirdly, different forward-looking desert claims may require different standards of certainty, depending on the object that is distributed. In particular, there appears to be a difference in the degree of certainty required for the distribution of harms and the distribution of benefits. To see this, consider, again, the difference between the desert of punishment and the desert of compensation. Many philosophers think that people have a right to immunity from punishment that can only be revoked if it is beyond reasonable doubt that a person has committed a crime. We might think, however, that a different standard of certainty applies for compensatory desert claims: Even if it is not certain that a child will die from an illness she has contracted, she may still deserve a trip to Disneyland. The reason, it seems to me, is that the trip would benefit the child rather than harm her—and giving the trip to the child, if it turns out later that she does not deserve it, would not constitute a violation of her rights.

2.3. The freedom objection

Celello (2009, 149) argues that the freedom objection to the forward-looking desert of punishment generalizes to the forward-looking desert of compensation. I agree with Celello that it could, indeed, sometimes apply to forward-looking compensatory desert claims as well. To see this, consider the case of the suicide mission soldiers: if they did not have the freedom to do otherwise than carry out the suicide mission, then we might think that they no longer deserve awards and prizes.

However, *pace* Celello, I do not think that the freedom objection applies to *all* forward-looking compensatory desert claims: We often claim that people deserve compensation for harms that they do not have control over. Even more strongly, it seems that people deserve compensation for such harms *precisely because* they could not have done otherwise than suffer them. Terminally ill children, for instance, deserve a trip to Disneyland, especially because they could not have done otherwise than become sick.

Also, some desert theorists may want to go further and deny that even the desert of punishment requires the freedom to do otherwise. These theorists may be drawn to what Parfit has called the “Compatibilist View” about desert (1986, 765). As he puts it (without endorsing it himself): “On the Compatibilist View, the kind of free will that is required for desert would not be undermined by the truth of Determinism” (1986, 765).⁵⁸ Other philosophers might be drawn to a view on which, if determinism is true, desert can only justify the revocation of people’s right not to be punished—but not the actual harsh treatment that is involved in punishing (see, for instance, Husak 1992).

2.4. The desert basis obtainment objection

A third concern about forward-looking desert, raised by Kristjánsson (2005, 152) and anticipated by Feldman (1995, 75), is that awarding the desert object before the desert basis obtains can, sometimes, influence the obtainment of the desert basis itself. Punishing someone before she commits the crime for which we punish her may prevent her from committing the crime—for instance, because she is in prison whilst she would have carried out the crime.

A second version of the same objection holds that sometimes, instead of preventing the desert basis from obtaining, giving the desert object to someone may actually induce her to make the desert basis obtain. David Schmidtz (2002, 783-784) pushes this objection against the forward-looking desert of punishment: if we punish someone before she commits a crime, that person may actually be induced to commit a crime. The person punished, he points out, might reason as follows: “Ok, if they treat me like a criminal, I’ll act like one” (2002, 784). If such inducement occurs, then this “condemns” the punishment, according to Schmidtz (2002, 784).

I see the force of the desert basis objection. However, Kristjánsson (2005, 152) offers little argument to support his claim that it applies not just to the forward-looking desert of punishment, but to forward-looking desert claims *in general*. I think that Feldman is right to say that there are cases in which awarding the desert object before the desert basis does not affect the obtainment of the desert basis. Think again

⁵⁸ Robert Adams (1985) defends a view of this kind.

of the example of the children who are terminally ill. The trip to Disneyland does not change the fact that their lives are going to end soon. The desert basis objection, then, does not apply to all forward-looking desert claims.

2.5. The permission objection

A fourth concern that one might have to forward-looking desert is the permission objection. According to this objection, awarding the desert object before the desert basis obtains may be regarded by the desert subject as receiving permission. As far as I am aware, the only philosopher who has raised this objection is Feldman (1995, 75) himself. I think that the permission objection might be especially pressing for the forward-looking desert of less severe punishments, such as fines for parking violations and speeding. The problem with the permission objection, however, is that it does not apply to forward-looking desert claims only. People might, after all, regard paying a fine after speeding as retroactively buying permission to speed as well. Because the permission objection seems to apply to both backward- *and* forward-looking desert claims, I will ignore it from here onwards.

In sum, I have now argued that challenges that have been raised against Feldman's argument for forward-looking desert can be resisted. The desert of compensation for future harms can sometimes be forward-looking. I will now go on that desert can be forward-looking for more objects than just compensation.

3. Additional objects for which desert is sometimes forward-looking

3.1. Desert of chances

David Schmidtz (2002) has argued that, besides compensation, people may sometimes forward-lookingly deserve chances as well. This seems to be particularly salient in hiring decisions: Jane may deserve a chance at a certain job,⁵⁹ partly on the basis of what she will do after she gets it.⁶⁰ Jane's past behavior may be taken as evidence of how well she will do if she were given the job, but the facts that really make her

⁵⁹ For convenience, I'll simply write 'job' from now on, instead of 'chance at a certain job'.

⁶⁰ As Schmidtz puts it: "what she will do if given the chance" (2002, 781).

deserving of the chance—her performance on the job—lie in the future at the moment of the hiring decision.^{61,62}

I agree with Schmitz that the desert of chances can be forward-looking. Hence, I want to defend his account against an objection that has been raised to it by Celello (2009). Celello claims that the desert of chances in jobs is not truly forward-looking: What really drives hiring decisions, he argues, are people's past performance and "desert-making internal features", such as being "trustworthy, hardworking, and so on" *at the moment of hiring* (p. 154). If that is right, then Schmitz fails to offer an account of desert that is truly forward-looking. This objection, however, can be resisted.⁶³

To see this, suppose that there would not be one, but two Janes: Jane and Jane*.⁶⁴ Both Janes have exactly the same past performance and desert-making internal features. If both would apply for the same job, then it would seem that we should simply flip a coin to decide who gets the job. But suppose we now learn more about the future of both Janes. Suppose we have very good evidence to believe that Jane*, after she is hired, will quickly become dissatisfied with her job and start shirking her responsibilities. Jane, on the other hand, will really enjoy the job and carry out her responsibilities diligently.

It seems to me plausible to say that Jane, rather than Jane*, deserves to get the job.⁶⁵ She does so on the basis of future facts: it is neither a present nor a past fact

⁶¹ Schmitz, in later work, points out that we tend not to find forward-looking desert claims in the context of jobs paradoxical: "Upon receiving a surprisingly good job offer, a new employee vows to work hard to deserve it. No one ever thinks the vow is paradoxical. No one takes the employee aside and says, 'Relax. There is nothing you can do. Only the past is relevant.'" But unless such everyday vows are misguided, we can deserve X on the basis of what we do after receiving X" (2006, 98).

⁶² Rawls (1999, secs. 17 and 48) offers what is perhaps the most influential critique of desert as a principle of distributive justice. Schmitz suggests that the chance-based account of desert he proposes may be immune to Rawls's criticisms and that "the difference principle, far from competing with principles of desert, can support the idea that people deserve a chance" (2002, 787). I think this is an intriguing suggestion that warrants further exploration.

⁶³ I think that this analysis fits with a case Schmitz introduces in a paper preceding his book on desert: "Candidates often see their case as purely backward-looking, but tenure committees do not. Tenure committees want to know that a candidate will not become deadwood—that past performance was not spurred mainly by a prospect of tenure qua reward" (Schmitz 2006, 101).

⁶⁴ Note that this response mirrors Feldman's (1995, 71) response to the claim that the forward-looking desert of compensation is not genuinely forward-looking (see, also, section 2.1 of this chapter).

⁶⁵ Schmitz suggests that the same is true for the desert of scholarships: "Two students receive scholarships. One works hard and gets excellent grades. The other parties her way through the first

about her that she will, in fact, carry out her responsibilities much more diligently than Jane*. If that is right, then it seems that the desert of jobs can be forward-looking. Of course, Celello could resist this response by saying that, in actual hiring decisions, the best we can rely on to predict a person's future performance are that person's past performance and her desert-making internal features. But that is merely an epistemological concern, rather than a metaphysical objection to the desert of chances. I am inclined to insist, with Schmdtz, that Jane is more deserving of the job than Jane*, because of a difference in their future performance.

Although many of the examples that Schmdtz provides are about hiring decisions, he allows for his account to apply to other opportunities as well, such as the chance to study through a scholarship. However, as I pointed out when discussing the desert obtainment objection, he thinks that people cannot deserve a chance on punishment: "The transformative role of expectations (the fact that we tend to live up to them, or down, as the case may be) can justify the faith involved in granting an opportunity but cannot justify punishment." (Schmdtz 2006, 104). Punishment is, according to Schmdtz, likely to induce wrongdoing, and this inducement "condemns" the punishment (2006, 104). In that way, there is an asymmetry between desert of opportunities (chances on study programs, jobs, and so on), which can be forward-looking, and desert of punishment, which cannot be forward-looking.

Adding desert of chances to DF1, gives DF2:

DF2: If at t , S can deserve chances and compensation (O) on the basis of the fact that S did or suffered something (B) at t' , then t' can sometimes be later than t .

3.2. *Desert of blame, praise, and rewards*

Many desert theorists think that besides chances, compensation and punishment, people can also deserve rewards (Feldman 2016; Miller 2001; Mulligan 2018; Schmdtz 2006) and praise and blame (Scanlon 2018). We often make desert claims such as: 'Bill

year before finally being expelled for cheating. Does their conduct tell us *nothing* about which of them was more deserving of the scholarship?" (2006, 99 his emphasis).

Gates deserves to be wealthy because he made a substantial productive contribution.’ ‘Tracy deserves to be praised for saving Lucy from a burning house.’ ‘The CEO of L-bank deserves to be blamed for the excessive risks that the bank took in the lead-up to the 2008 financial crisis.’

Could it be that, besides desert of chances and compensation, desert of rewards, praise, and/or blame is forward-looking as well? To answer this question, I use the same approach as Feldman (1995). I consider examples of forward-looking desert claims on these objects and see whether these can plausibly be rewritten as backward-looking desert claims, or run into one, or more, of the four objections that I discussed in the previous section.

Let’s start with desert of rewards. One example of a desert claim for rewards that appears to be forward-looking is the following: an author (S) deserves to receive an advance (O) now, partly for the future completion of a manuscript she is working on (B). The claim, to be sure, is not that the advance is based *exclusively* on the future completion of the manuscript—but only in part. A case in which, I think, this is particularly plausible, is the advances that are paid to former US first ladies and presidents (Michele and Barack Obama were paid an advance of \$65 million dollar by Penguin Random House).⁶⁶ As long as the manuscripts of such biographies are not finished, they will be of little value to the publisher. The publisher will, at least usually, not be able to sell just a few chapters. Hence, if we were to reward the author purely on the basis of the value of the manuscript whilst she is working on it, we would only pay her a very minor advance.⁶⁷ If, however, we take into account that the manuscript the author is working on will turn into a marketable book later on, we would, in fact, pay her a more substantial advance.

The forward-looking desert of advances (and rewards more generally) does not seem to run into any of the four objections that could be raised against the forward-looking desert of punishment. It does not seem to be the case that there are insurmountable epistemological uncertainties, partially because the size of the

⁶⁶ See: <https://www.vox.com/culture/2017/3/2/14779892/barack-michelle-obama-65-million-book-deal-penguin-random-house>.

⁶⁷ Desert theorists who defend some version of a willingness to pay metric of productive contribution include Miller (2001) and Dekker (2008; 2018).

advance can be varied. If there is a great deal of uncertainty about whether the author will complete the manuscript, the advance can be reduced. Second, and relatedly, the freedom objection does not seem to be detrimental here: even if the author has the freedom to do otherwise than complete the manuscript, we may still be certain enough that she will do so to justify paying her an advance. In fact, if anything, paying out the advance will make it more likely that the author will finish the manuscript. Sometimes, at least, without an advance, an author would need to work at some other occupation in order to survive—which would slow down the completion of the manuscript. Thirdly, the desert obtainment objection does not apply here either: again, paying out the advance may actually make it more (rather than less) likely that the author will finish the manuscript.

It seems to me that the desert of praise may at times be forward-looking as well. Sometimes, someone who is about to do something courageous should be applauded on the basis of what she is going to do. Actually, Feldman's case of the suicide mission soldiers may also be construed as a case of the forward-looking desert of praise. Another, and perhaps more precise way of putting the point is that part of the compensation that the soldiers deserve consists in praise. My responses to objections to the forward-looking desert of compensation apply to the forward-looking desert of praise as well. In fact, the freedom objection to the forward-looking desert of praise may even be weaker than it is for the forward-looking desert of compensation. As Tim Scanlon (2017, chap. 7) points out, people may deserve expressive attitudes such as praise, even if they are not free in the sense that they could have done otherwise. The appropriateness of such attitudes may, instead, be grounded in our everyday practices of holding each other responsible.⁶⁸

That leaves the forward-looking desert of blame. Could desert of blame sometimes be forward-looking? It seems to me that it cannot. The epistemological argument and the desert obtainment objections raised to the forward-looking desert of punishment also apply, though less forcefully, to the forward-looking desert of blame. Blaming someone is generally thought to constitute harming that person. As a

⁶⁸ This position was first defended by Peter Strawson in his seminal *Freedom and Resentment* (2008). Strawson, however, does not construe his account in terms of desert.

result, the degree to which we need to be certain that the desert basis will actually obtain is high. We may rarely, if ever, be so certain that someone is going to commit a blameworthy act, that we are justified in actually blaming her before she commits it. Second, to blame people before they commit blameworthy acts may make them more likely to actually commit such blameworthy acts. If that is so, then this condemns the blame.

Adding praise and rewards to DF2, gives DF3:

DF3: If, at t , S can deserve chances, compensation, praise, and rewards (O) in virtue of the fact that S did or suffered something (B) at t' , then t' can sometimes be later than t .

4. Retaining time-sensitivity

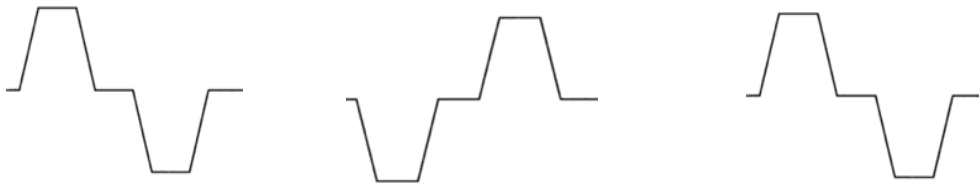
People can sometimes deserve on the basis of facts occurring in future, or so I have argued. But DF3 leaves an important question unanswered: How long after t can the future facts that determine the desert basis occur? I will, in this section, sketch the beginnings of an answer to this question, using Shelly Kagan's whole-lives-view of desert. According to that view,⁶⁹ "in deciding how deserving [a] person is, the relevant question isn't so much a matter of how virtuous or vicious they may be at this or that particular moment, but rather how virtuous or viscous the person is overall—that is, over the course of their entire lifetime" (Kagan 2012, 10–11). This whole-lives-view is partially forward-looking, because in establishing how deserving a person is at t , it does not just consider past and present facts about them, but also future facts.

My concern about Kagan's account is that it is insensitive to the amount of time that passes between the moment of awarding of the desert object and the obtainment of the future facts that, in part, determine the desert base. To see this concern, consider graphs 1 till 3. Graph 1 shows the development of Amos's virtuousness over his lifetime (the x-axis depicts his age, from 18 till 80; the y-axis depicts his virtuousness, from very vicious to very virtuous). Graphs 2 and 3 both

⁶⁹ Kagan notes that he uses these desert bases and objects as placeholders, but that users of the framework he sets out are free to insert other desert bases and objects if they want to.

Chapter 3: When, if ever, is desert forward-looking?

depict Amos's wellbeing: the x-axis, again, shows Amos's age, from 18 till 80; the y-axis depicts his wellbeing, from neutral to extreme bliss. It would not matter, on Kagan's view, whether the evolution of Amos's wellbeing matches (as in graph 2) or does not match (as in graph 3) the evolution of his virtuousness.



1. Virtuousness

2. Wellbeing (mismatch)

3. Wellbeing (match)

The only thing that matters in establishing whether Amos received the wellbeing he deserved, is that the average level of wellbeing Amos experiences matches his overall level of virtuousness. This implication is implausible, because of two familiar objections: the epistemological and the desert obtainment objection.

First, remember that there are epistemological limitations to how well we can predict what will happen in future, and that these limitations can sometimes be a legitimate objection to forward-looking desert, such as in the case of the desert of punishment. It seems that, frequently, the sooner the future facts that determine the desert basis are likely to obtain, the more certain we are that they will, in fact, obtain.⁷⁰ Epistemological limitations, then, provide a *prima facie* reason for preferring the awarding of a desert object closer to the obtainment of the future facts that, in part, determine the desert basis. If Amos is going to carry out a praiseworthy action, such as helping an old man cross the street, then, all else equal, it is better to praise him for his action while he is doing it or right after he has done it. That way, we are more certain that Amos is, indeed, praiseworthy.

Second, and more importantly, awarding the desert object long before obtainment of the future facts that determine the desert basis, makes one vulnerable to the desert obtainment objection. This objection is, as I argued, particularly forceful

⁷⁰ There are, of course, a few exceptions to this claim. We can, for instance, predict with absolute certainty we will all die.

in the case of severe punishment. Punishing a person by incarcerating her, for instance, may prevent her from actually committing the crime. But it may also hold for positive desert objects such as chances, praise, and rewards. Giving an 18-year old an amount of 20 million dollars for an invention she will do thirty years later, may actually prevent her from making the invention—for instance, because she would no longer have to work.

This brings me to suggest the following qualifying claim on accounts of forward-looking desert: for all desert objects in DF3, it is better if people get the desert object closer to the future facts that, in part, determine the desert basis. It is, all else equal, better to give someone an award for her heroism right after she has actually been heroic. All else equal, it is better to give someone a chance just before she deserves it. All else equal, it is better to give someone compensation for the earthquake damage to her house, right after the house has been damaged. All else equal, it is better to praise someone for helping an elderly person cross the street, during or after they have done so. All else equal, it is better to reward someone for her productive contribution after she has made it. Adding the thought that time matters to DF3, gives DF4:

DF4: If, at t , S can deserve compensation, chances, rewards, and praise (O) in virtue of (B), where B can be determined by facts occurring at t' , t' can sometimes be later than t , especially when t and t' are not far apart.

5. Conclusion

When, if ever, is desert forward-looking? The received wisdom is that it never is. As Feldman (1995), Schmditz (2002), and Kagan (2012) have argued, however, the relationship between desert and time is more complex than this received wisdom allows for. Building on their forward-looking accounts of desert, I have attempted to be even more careful about the ways in which desert could be forward-looking and sketch the outlines of an account that is wider in scope than theirs. The main claim I have defended in this chapter is that the desert of chances, compensation, rewards, and praise can *sometimes* be forward-looking. I have also argued that, all else equal,

Chapter 3: When, if ever, is desert forward-looking?

it is better that people get the desert object closer to the obtainment of the future facts that determine the desert basis.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism⁷¹

1. Introduction

If we take Aristotle at his word, the distributive justice debate was considered settled in the fourth century BC: “All people agree that what is just in distribution must be in accord with some sense of desert” (*Nicomachean Ethics*: 1131a).

This consensus has been lost. None of today’s dominant theories of justice provides a foundational role to desert—that is, they do not distribute with a view to how deserving people are.⁷² Utilitarians reward the deserving only as an instrument for maximizing the general welfare. Egalitarians such as John Rawls (1971) would happily enrich the greedy and the indolent—if doing so redounded to the benefit of members of the least-advantaged class. And libertarians like Robert Nozick (1974) have no interest in establishing any pattern of distribution whatsoever: If free markets create an idle rentier class which monopolizes the product produced by diligent workers—well, so much the worse for the workers.

In 1971, John Kleinig wrote that “the notion of desert seems by and large to have been consigned to the philosophical scrap heap” (1971, 71). Some might think that desert has made a comeback of sorts, in the form of luck egalitarianism. As Shlomi Segall points out, “many luck egalitarians invoke desert, whether explicitly or implicitly” (2015, 355). These desert-invoking luck egalitarians include G.A. Cohen (2011), Eric Rakowski (1991), and Larry Temkin (2017).

⁷¹ This chapter is based on a paper I co-authored with Tom Mulligan and that has been accepted for publication: Brouwer and Mulligan (2019). Some modifications to the original article have been made. For helpful comments on draft versions of this paper, we wish to thank audiences at the Erasmus Institute for Philosophy and Economics (EIPE) PhD seminar (February 2017), the EIPE 20th anniversary conference (March 2017), the ninth European Conference in Analytic Philosophy (August 2017), the fifteenth Pavia Graduate Conference in Political Philosophy (September 2017), the fifth annual conference of the Dutch Research School for Philosophy (November 2017), and the second PPE society meeting (March 2018); an anonymous referee for Philosophical Studies; and Alfred Archer, Rutger Claassen, Willem van der Deijl, Teun Dekker, Bart Engelen, Zoé Evrard, Andrea Gammon, Anca Gheaus, Jasper van den Herik, Tim Klaassen, Serena Olsaretti, Maureen Sie, and Jojanneke Vanderveen.

⁷² There are, of course, exceptions to the utter exclusion of desert from the distributive justice debate; these include, among others, the theories of Michael Walzer (1983), Wojciech Sadurski (1985), David Miller (2001), David Schmidtz (2002; 2006), Fred Feldman (2016), and Thomas Mulligan (2018a). Nevertheless, we think that it is safe to say that the concept “plays an unimportant role in most contemporary theories of distributive justice” (Moriarty 2013, 537).

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

Our purpose in this chapter is to show that not only has desert *not* made a comeback in the form of luck egalitarianism: the two theories are, in fact, deeply at odds. We distinguish three important contexts in which desertism conflicts with luck egalitarianism.⁷³ Moreover, analysis suggests that desert, not luck egalitarianism, renders the correct moral verdict in these contexts.

We proceed as follows: In §2, we provide conceptual outlines of luck egalitarianism and desertism and describe the argumentative strategy we employ in what follows. §3 is the heart of the chapter: We adduce and analyze three thought experiments which demonstrate that luck egalitarianism conflicts with desert-based justice, and we show that the latter provides the more plausible analysis. We conclude, in §4, by drawing broad lessons for the current dialectic about justice. Among these is that luck egalitarians should consider supplementing their theory with desert considerations.

2. Luck egalitarianism and desertism: General principles

Some years after Ronald Dworkin (1981a; 1981b) first inspired luck egalitarianism,⁷⁴ G.A. Cohen remarked that “Dworkin has, in effect, performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility” (1989, 933). Desertism also makes use of this idea, but that is perhaps the only commonality between the two theories. And even this shared concern for choice and responsibility is incorporated into the two theoretical frameworks in different ways.

Two preliminary remarks must be made. First, we cannot, within the confines of this chapter, provide a complete conceptual mapping of either theory, let alone both. Doing so would be especially problematic for desertism: Desert is a wonderfully rich concept, but also a maddeningly complex one. For the purposes of our argument, we need not consider all the variety in the literature on luck egalitarianism and

⁷³ We use “desertism” and “desert-based (theory of distributive) justice” interchangeably in this chapter.

⁷⁴ The term “luck egalitarianism” was coined by Anderson (1999, 289) in a critique of the theory. Dworkin (2003) resisted the label, and Arneson (2018) argues that, indeed, Dworkin should not be regarded as a luck egalitarian. We do not take our argument to apply to Dworkin’s theory of distributive justice.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

desertism. Instead, we focus on features of luck egalitarianism which all its major construals share, and on one, mainstream, desert-based view of distributive justice. Our aim is to show that desert-based justice provides a more plausible moral analysis in three important cases than luck egalitarianism, however construed, does.

Second, we consider *monistic* versions of luck egalitarianism and desertism. That is, we ignore that, to decide on what is distributively just *all things considered*, luck egalitarians and desertists might supplement their core ideas with independent principles, such as benevolence, compassion, freedom, and/or utility (cf. Temkin 2003, 63; 2017, 46; Voigt 2007, 391). What we are interested in here are the ramifications of the *core ideas* of both theories in the cases that we consider.⁷⁵

2.1 Luck egalitarianism

Samuel Scheffler puts the central claim of luck egalitarianism thus:⁷⁶

“inequalities in the advantages that people enjoy are acceptable if they derive from the choices that people have voluntarily made, but [...] inequalities deriving from unchosen features of people’s circumstances are unjust. Unchosen circumstances are taken to include social factors like the class and wealth of the family into which one is born. They are also deemed to include natural factors like one’s native abilities and intelligence” (2003b, 5).

From this central claim, the two questions that constitute much of the luck egalitarian literature arise: (1) What *are* the instances of bad luck (“unchosen circumstances”) that give rise to unacceptable inequalities? And (2) what, exactly, are these “advantages that people enjoy” (*i.e.* what is the appropriate currency of justice)?

When it comes to (1), luck egalitarians agree that not all inequalities arising from luck are unjust and therefore in need of repair.⁷⁷ The problematic inequalities

⁷⁵ We discuss the possibility of pluralism in §3.3.

⁷⁶ See Arneson (2011) and Lippert-Rasmussen (2017) for overviews of luck egalitarianism. Prominent luck egalitarians include G.A. Cohen (1989), Kasper Lippert-Rasmussen (2001), John Roemer (2000), and Peter Vallentyne (2002).

⁷⁷ The exception is what Segall (2010, 46) deems “all-luck egalitarianism”, which maintains that *all* luck-derived inequalities are unjust. We suspect that all-luck egalitarianism collapses into a form of outcome egalitarianism.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

are those that arise from unequal *brute* luck. Inequalities that arise from unequal *option* luck need not concern us.

There are two common views on how to distinguish the two types of luck: the choice view and the control view (cf. Lippert-Rasmussen 2018, sec. 4). Proponents of the choice view hold that *X* is brute luck for *P* iff *P* did not substantially and voluntarily choose *X*; *X* is option luck for *P* iff *P* *did* substantially and voluntarily choose *X* (cf. Cohen 2011). Proponents of the control view, on the other hand, say that *X* is brute luck for *P* iff *P* does not and did not control *X*; *X* is option luck for *P* iff *P* does or did control *X* (cf. Zimmerman 1993).

In some scenarios, the choice view and the control view will agree. Suppose, for example, that Alice steps up to the roulette wheel and bets a large sum of money on black. Unlucky for her, it comes up red. As a result of this loss, she is made worse off than others. Because Alice voluntarily *chose* to gamble, and because she *controlled* her decision to participate in the gambling, nearly all (see n. 77) luck egalitarians agree that her relative disadvantage is not unjust. To be sure, Alice neither chose nor controlled the roulette wheel's coming up red. But she did choose and control her participation in this calculated gamble—and that, for the luck egalitarian, is the important thing.

In other scenarios, choice and control need not coincide. Suppose that Bert gets into an accident because he voluntarily chose to drive his motorcycle recklessly (and he voluntarily chose his taste for reckless riding).⁷⁸ On the choice view, Bert (like Alice) may justly bear the relative burdens produced by his recklessness (*e.g.*, his injuries). The accident is a result of bad option luck. But suppose, further, that Bert's accident was overdetermined; even if he had been careful, the accident would have occurred. On the control view, the accident would be a case of bad brute luck—because Bert had no control over it—and therefore is amenable to compensation by the state.

The second major question, (2), confronting luck egalitarians (and indeed, all theorists of justice) is specifying the currency of justice. Some regard *resources* as the currency, where these are akin to and include the standard notion of social goods.

⁷⁸ This example is adapted from Fleurbaey (1995, 40–41).

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

Others, like Arneson (1989; 2000b; 2016), disagree, holding that a person suffers from unjust disadvantage when his (access to) *welfare* is lower than it would have been, had the bad brute luck circumstances not obtained.⁷⁹ And Cohen (1989; 2011) thinks that luck egalitarians ought to concern themselves with inequalities in both.⁸⁰

Taking these distinctions into account, luck egalitarianism can be partitioned into four theoretical approaches: choice-resources, choice-welfare, control-resources, and control-welfare. We shall show in §3 that our argument is sound no matter which the luck egalitarian elects.

2.2 Desertism

Serena Olsaretti aptly characterizes the literature on desertism as a “fairly eclectic collection of contributions by desert theorists whose views differ widely” (2004, 6). But here, too, there is a unifying claim: It is unjust when people do not get the things that they deserve. Defenders of desert-based distributive justice agree also on three basic features thought central to the concept of desert.⁸¹

First, desert claims minimally consist of (1) a subject (S), that (2) deserves an object or mode of treatment (O), given (3) a certain desert base (B). For instance, Mo (S) deserves to win the gold medal (O) because he was the fastest runner (B). For desert to function as a principle of distribution, it is insufficient to say that Mo deserves the medal; there must be a base or bases for awarding it to him (although this is often left implicit). It is also insufficient to say that Mo was the fastest runner; we must also have an object or mode of treatment in mind that he is morally entitled to.

Desert claims are, second, subject to an ‘aboutness principle’: the bases must bear a proper relationship to the desert subject.⁸² This principle rules out claims like:

⁷⁹ Note that Arneson (1989) initially defended subjective welfare, but has since abandoned this view. He now defends an objective welfare account (see his 2016).

⁸⁰ This is not meant to be an exhaustive classification. It excludes, for example, responsibility-sensitive capability views (cf. Vallentyne 2005). We focus on resources and welfare because these two currencies seem to come apart most often. Our argument, however, also holds for responsibility-sensitive capability views.

⁸¹ See Feldman and Skow (2016) and McLeod (2002) for contemporary overviews of desert. Pojman and McLeod (1998) provide excerpts from important historical and contemporary texts on desert. The seminal conceptual work on desert was done by Feinberg (1970), Kleinig (1971), and Sher (1989).

⁸² See Feinberg (1970, 72–73), Feldman (2016, 42), Olsaretti (2003b, 4), and Sadurski (1985, 117).

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

‘Mo deserves the medal because his parents will cry if he does not get it’. While the distress of Mo’s parents could in theory entitle Mo, morally, to the trophy (on a utilitarian account, for example), their distress could not make Mo deserving.

We shall not give a specification of the aboutness principle here, both because we do not wish to make any controversial assumptions and, more importantly, because the cases we adduce in §3 are valid on many specifications. We only note that it is frequently cashed out in terms of *responsibility*.⁸³ On this view, it’s not enough that the desert basis be *about* the desert subject; she must also be *responsible* for that basis.⁸⁴

Just as there is some necessary relation between the desert subject and the desert basis (whether it’s responsibility or something else), there is a necessary relation between the desert object and the desert basis. This is generally put in terms of ‘fit’: Mo’s athletic performance may make him deserving of a medal, but not of a multi-billion-dollar fortune.

For the purpose of this chapter—comparing luck egalitarianism and desertism—we shall assume that people deserve the currency of justice on the basis of their social contributions. We do this, because it is a central position among the (admittedly small) community of desert theorists. So there will be nothing idiosyncratic in the desert-based approach that we commend here. David Miller (2001), for example, in his pluralist account of distributive justice, says that people deserve on the basis of their contributions, where ‘contribution’ is measured by the aggregating the reservation prices of consumers. And one of us (2018a) has advanced a monistic theory of desert-based justice in which people deserve income on the basis of their contributions, as measured by the amount of additional output they provide (and where Shapley value is used to disentangle joint production).⁸⁵

⁸³ A well-known exception is Feldman (1995; 1996; 2016) who holds that we can be deserving without being responsible for our performance on a desert base—for instance, we can be deserving on the basis of how needy we are. For a careful discussion of Feldman’s arguments, see Smilansky (1996b; 1996b).

⁸⁴ There are many ways in which the responsibility requirement can be fleshed out. For helpful discussion, see McLeod (1998) and Sie and Pereboom (2016).

⁸⁵ There is, indeed, a small but lively discussion among desert theorists about how to measure social contribution. In addition to Miller (2001) and Mulligan (2018a), see Dekker (2008; 2010; 2018), Hsieh (2000), and Sheffrin (2013).

3. Three thought experiments, three differences

Talk about desert is ubiquitous in the luck egalitarian literature. Indeed, some philosophers reckon that the theories themselves are intimately connected; Nicholas Barry, for example, says that luck egalitarianism is “both an egalitarian and a desert-based theory” (2006, 102).

But the demands of luck egalitarianism and desertism come apart in a number of important and frequently occurring instances. We illustrate this phenomenon by way of three thought experiments. We shall see that at times the desertist regards the luck egalitarian as *too stingy* (§3.1), and at other times *too restrictive* (§3.2). And the two theories differ in scope: Luck egalitarianism is concerned only with the justness of *differences in the level* that people have of a currency of justice, whereas desertism is also concerned with the justness of *the level itself* (§3.3).

3.1 *Too stingy: The burning house*⁸⁶

Tracy lives in a neighborhood with many timber-framed houses. One morning, she wakes up to the cries of her neighbor, Shirley. Shirley’s house is on fire and she cannot escape. Tracy calls the fire brigade and waits, but when Shirley’s cries stop, Tracy decides to try to save Shirley herself. Tracy gets a ladder, climbs into Shirley’s house through a window, finds Shirley lying unconscious on the floor, and carries her out of the house. Shirley survives. Unfortunately, the rescue leaves Tracy injured from burns and smoke inhalation. Tracy requires expensive treatment at the hospital, which means that her resource holdings decrease. Her welfare has also dropped considerably as a result of her injuries.

Could Tracy, compatibly with justice, receive compensation for the drop in her resource holdings (the resources view) and welfare (the welfare view)?

⁸⁶ The Burning House is similar in structure to examples considered by Dekker (2009), Eyal (2007), Moriarty (2018), Olsaretti (2009), Stemplowska (2009), and Temkin (2003; 2017). We raise new objections to the solutions that they propose for accommodating rewards for costly, praiseworthy actions within luck egalitarian theory.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

The luck egalitarian answer is clear: No (cf. Eyal 2007, 4; Moriarty 2018). Why? Because Tracy chose to save Shirley (the choice view) and because she had control over her decision to save Shirley (the control view).

We find this morally implausible. Tracy ought to receive compensation for her actions, which should include (the resources required for) medical care for her injuries. Luck egalitarianism has no conceptual mechanism for providing such care. It is too stingy when it comes to parceling out aid to people like Tracy—sufferers of bad option luck who voluntarily made socially valuable choices at high costs to themselves. Shirley will live (and may work), social ties are tightened, and the community has been strengthened—all because of Tracy’s heroism.

Objection 1: Shared duties (Stemplowska 2009, 243–45). In response to scenarios like this, some luck egalitarians argue that critics interpret their theory too narrowly, ignoring the requirement that people face *equal options* before justice requires that they bear a disadvantage. People’s options are equal only if “they make it possible to enjoy (face) the same combination of benefits (burdens) at the same cost, except where the differences are controlled by the agent whose opportunities are being assessed” (Stemplowska 2009, 244).

In the Burning House case, the equal options constraint could allow luck egalitarians to claim that all members of society share a *duty to save* others in life-threatening circumstances, and that people should receive compensation if they bear a disproportionate share of this duty. If that were true, then perhaps Tracy should receive compensation, since she bears more of the physical and psychological costs of the duty to save than others do.

Reply to objection 1: Supererogation. Although stressing that luck egalitarianism requires equality of options may sometimes help the luck egalitarian evade harshness objections, the strategy is not successful here. Saving people at a significant risk to one’s health, which is what Tracy does, goes beyond the call of shared duties—especially if one has already tried to carry out one’s duty without incurring a serious risk of getting in harm’s way. Observe that we would not blame Tracy if she had chosen not to try to save Shirley by entering the burning house.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

Our worry about luck egalitarianism, then, can be rephrased so that it says that luck egalitarianism cannot hold that justice requires reimbursing people for making costly, praiseworthy, voluntary choices *that are supererogatory*. This is a problem for luck egalitarianism, because there are many cases in which we value it when people go beyond the call of duty, and in which we think they ought to be compensated for this: Someone voluntarily resigning from his job to care for a sick family member; someone risking her life in defense of her country; someone donating an organ, putting her own life in danger, to help another who is in urgent need. And, we stress, all of these actions make a *bona fide* social contribution.

Objection 2: Innocent choice (Eyal 2007). Nir Eyal has responded to scenarios such as the Burning House by arguing that luck egalitarianism needs to be replaced with ‘modified luck egalitarianism’, defined as follows:

“That someone incurs a disadvantage without having chosen *culpably* to risk incurring it is, in a central respect, unjust. If, however, that disadvantage results from that person’s own *culpable* choice to take that risk, then (barring prioritarian considerations) that disadvantage can remain perfectly just. ‘Culpable’ choice is understood as a free and at least somewhat morally wrong choice” (2007, 6).

In other words, on Eyal’s modified version of luck egalitarianism, it is not voluntary choice that determines the cut between brute luck and option luck, but culpable choice.

Reply 1 to objection 2: Neutrality. Many luck egalitarians, and many liberal egalitarians generally, will be loath to endorse Eyal’s theory on the grounds that it conflicts with the liberal commitment to neutrality in justification—the idea that (on one common definition) state action should not be justified by appeals to particular conceptions of the good.⁸⁷ The extent to which it violates neutrality in justification will depend on the definition of “somewhat morally wrong”—something Eyal does

⁸⁷ As Gaus (2005) points out, there is a wealth of different definitions of neutrality in justification. Eyal’s modified luck egalitarianism would conflict with neutrality under many of these. Quong (2011, 12–44) discusses the importance of neutrality to liberal egalitarians.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

not make precise. But it is very unclear how this moral wrongness could possibly be hashed out in value-free terms.⁸⁸

Reply 2 to objection 2: Contribution Matters. More importantly, however: Luck egalitarians willing to abandon neutrality are better served by simply endorsing one of the desert view discussed in §2.2—which, to be clear, also violate the commitment to neutrality in justification. This we shall justify at some length in §3.2 and §3.3; here we point out that Eyal anticipates this reply and offers two rejoinders to it. But neither is convincing.

First, Eyal asks the reader to:

“[i]magine a society in which a principle of desert is being strictly followed. The results of all gambles are effectively obliterated. Optional gamblers are granted precisely what they deserve. Gamblers’ lots are of course tied to the fact that they gamble, which affects their deserts. However, their lots are not tied to the arbitrary outcomes of their gambles, namely, to their option luck. Plainly, such a society differs from a (standard or modified) luck-egalitarian one. Strict adherence to a desert principle obliterates all luck, regardless of whether it is brute luck or option luck, luck following innocent choice or culpable choice” (2007, 8).

This is incorrect. “Strict adherence to a desert principle” does not obliterate all luck. In fact, if anything, as we will go on to point out in §3.2., desertist theories of distributive justice often are more permissive of luck influencing distributive outcomes than luck egalitarian ones (cf. Miller 2001, 147–55; Olsaretti 2006, 438–44).

The second objection Eyal levels against desertism is that it might not offer a large enough reward to compensate for bad option luck:

“[Desert] permits a person who risks having his own house burnt in order to save a neighbor’s baby to receive a prize for his praiseworthy act. But that prize need not be

⁸⁸ A critic might resist this claim by pointing out that culpable choice would be the only choice that violates the requirement that free and equal persons cannot reasonably disagree about. This minimal definition of culpable choice, however, cannot avoid the harshness objection, as I argue in a draft paper with Julien Kloeg (see chapter 7.4. for a summary of the argument).

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

nearly as substantial as the loss of his home. A person's praiseworthy decision to focus on the neighbor's baby need not be praiseworthy enough to call for a substantial enough award: one may save the baby when the risk to one's own house is still low. In this instance, the decision will be only somewhat praiseworthy, justifying only a small desert-based prize." (2007, 9)

There is an important problem with this objection. The luck egalitarian idea which Eyal applauds is that our hero ought to be 'made whole' after saving the baby—that is, be fully compensated for the loss of her house. But this is implausible in some cases. Suppose, for example, that our hero's home is lavish and expensive (but not unjustly owned; *i.e.*, she purchased it with resources gained through good option luck). Our hero rushes out of it in the middle of the night and saves the child—but then watches as her estate burns to the ground.

We all agree that she ought to receive many things for her heroic act—profound thanks, society's admiration, and, to be sure, some compensation. But does justice really require that she be compensated millions upon millions of dollars for her loss? (Keep in mind, by design of Eyal's example, she freely chose not to insure against this loss. For some luck egalitarian theories, that would obviate the need for compensation—but not for Eyal's modified luck egalitarianism.) Perhaps intuitions differ, but we do not think justice requires that our hero be made whole—and desert-based theory we assume, which responds to the *contribution*, not the loss, agrees.

Objection 3: Incorporating desert (Arneson 2011; Dekker 2009). Finally, some luck egalitarians have responded to scenarios such as the Burning House by adjusting their theories to incorporate considerations of desert. They argue that desert can provide luck egalitarianism with a principle of stakes, which specifies "what consequences can justifiably be attached to the features that are the appropriate grounds of responsibility" for the luck egalitarian (2009, 167).⁸⁹ If desert is used as

⁸⁹ Olsaretti (2009) offers an extensive discussion of formulating principles of stakes. As she points out, critics of luck egalitarianism have often assumed that luck egalitarians subscribe to a contextualist principle of stakes, according to which people should bear all the consequences of their voluntary choices. As she argues, however, it would be perfectly compatible with luck egalitarianism to instead adopt a consequentialist principle of stakes, according to which people should bear only those consequences of their voluntary choices that would be optimal for them to bear from a social point of view—or, as we

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

principle of stakes, then people should only bear a subset of all the consequences of their voluntary choices: namely, the consequences that are deserved. On this, desert-adjusted variant of luck egalitarianism, Tracy ought to be compensated for her medical expenses, since she incurred them while making a sizeable social contribution.

Reply 1 to objection 3: Neutrality (encore). An obvious worry about using desert as a principle of stakes is that this would be subject to a similar concern as Eyal's modified luck egalitarianism. Desert-based theories, such as the one we adopt in this chapter, conflict with the liberal commitment to neutrality in justification. By holding that certain acts constitute a social contribution which deserves to be rewarded, this view privileges conceptions of the good that agree with the definition of social contribution.

As we noted already, not all luck egalitarians are committed to neutrality in justification. Those who are, however, will be hesitant to incorporate desert for this reason.

Reply 2 to objection 3: Restrictiveness. Relatedly, adopting desert as a principle of stakes only would unduly narrow the category of social contributions that should be rewarded. According to the desertist, people may, compatibly with justice, deserve rewards for their social contributions even when these contributions are due to unequal brute luck circumstances. To see this, consider the case of the *Personal Computer Revolution*.

3.2 Too restrictive: The personal computer revolution

Bill Gates had a vision: to revolutionize the computer industry and put a personal computer in every home. Through his native intelligence, the good fortune of being born to wealthy parents, and his work ethic, he succeeded. Today, he is a wealthy and happy man.

Is it just that Gates is wealthier and happier than others?

will go on to point out, a desertist principle, according to which people should only bear those consequences of their voluntary choices that they deserve to bear.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

The luck egalitarian thinks not. Gates did not choose his intelligence, diligence, or his other natural traits. The same can be said for his social circumstances. Nor did he control these. Consequently, Gates's wealth, so it is claimed, should be taken from him and redistributed to those who had worse brute luck.

For the desertist, that result is wrong—or at least too quick. After all, Gates made a *bona fide* social contribution. Moreover, quite independent of justice we, as a society, should like to incentivize the acquisition of skills and the achievements of people like Gates.

The precise size of Gates's just reward will depend on how the aboutness principle is specified. Some desert theorists hold what Olsaretti (2006, 438–41) calls the 'conventional view' of the principle, on which the only luck that Bill's income should be corrected for is 'performance luck'—that is, *unforeseeable* circumstances that affect Bill's success (such as the unexpected death of a major competitor). On this view, neither Bill's "luck in the natural lottery" (*e.g.* his intelligence) nor his luck in the social lottery (his rich parents) undercuts his desert (defenders of this view include: Schmidtz 2002; Miller 2001, 147–55).

Other desertists defend more stringent versions of the aboutness principle,⁹⁰ and say that desert is not only undercut by performance luck but also by some forms of background luck (*cf.* Olsaretti 2006, 444–48). On these views, Bill could keep less of his wealth than on the conventional view—but more than would be compatible with luck egalitarianism.

Now, the luck egalitarian may at this point lodge an objection; namely, that our critique ignores the fact that many luck egalitarians are pluralists who hold that to decide whether a distribution is just, luck egalitarian theory must be supplemented with other moral principles—such as beneficence, compassion, a communitarian principle, and/or freedom. And a pluralist theory which included luck egalitarianism might be able to evade criticisms about restrictiveness.

We acknowledge that pluralism may help the luck egalitarian in this way. But it comes at a high cost. We discuss the cost of pluralism in conjunction with a third

⁹⁰ Here we should note a difference in view: Mulligan (2018a) is drawn to the conventional view of luck and desert, Brouwer adheres to what Olsaretti has called the "fair opportunity view" (Olsaretti 2006, 444).

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

difference between luck egalitarianism and desertism, which we turn now to consider. This difference, which has received insufficient attention in the literature, provides another reason to prefer desert to luck egalitarianism. Here, the problem is that luck egalitarianism is only concerned with the justness of *differences in the level* of a currency of justice between people, not with the justness of the *level itself*. Desert is sensitive to both.

3.3 *Deserved levels: A Malthusian state*⁹¹

In the agrarian state of Ludville, the government is wholly committed to justice in accordance with luck egalitarian principles. Every year, the government redistributes in order to neutralize any and all resource (or welfare) differences that arose out of unequal brute luck circumstances. Let us suppose that Ludville's government has perfect information about which inequalities were due to brute luck (and thus in need of repair) and which were not (*i.e.*, which were due to option luck).

Ludville's government has another odd feature: It burns up—literally—a huge share of the social product. As a result, almost all of Ludville's citizens live, unequally, at a near-starvation level. Every couple of years, when the harvest is bad, there is famine, and there is death.

Is the distribution in Ludville just?

According to the luck egalitarian it is, as there are no inequalities in resources or welfare that arose from brute luck. While luck egalitarians might viscerally regard Ludville as an unjust place, that finding is not yielded by luck egalitarian principles. G. A. Cohen says that “there is injustice in distribution when inequality of goods reflects not such things as differences in the arduousness of different people's labors, or people's different preferences and choices with respect to income and leisure, but myriad forms of lucky and unlucky circumstance” (2000, 130). In Ludville, the inequalities that do exist result, *ex hypothesi*, from legitimate choices to, for example,

⁹¹ This example is adapted from Feldman (2016, 138–39). As Brouwer & Van der Deijl (2017) and Dekker (2016) argue, the notion of desert that Feldman assumes may not be distinctive. Hence, we are not convinced that Feldman succeeds in showing that desertism can avoid this Malthusian objection. We argue here that contribution-based desertism does succeed at avoiding it.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

work harder and longer. A conclusion of injustice can only be drawn if the luck egalitarian principles are supplemented by other considerations,⁹² such as a concern for the needs of Ludville's citizens.

The desertist, on the other hand, holds that everyone who makes a social contribution *non-comparatively deserves* to get a certain amount of social product in return (cf. Hurka 2003; Kagan 2012; Miller 2001). That is, a person should get the amount of social product he or she deserves, and that is in part determined by the size of her inputs. One does not simply assume, as luck egalitarianism implicitly does, that the question of the size of the distributive pie is irrelevant.

Objection: Pluralism. The luck egalitarian again has an objection based in pluralism. It goes like this: *Of course* there is something wrong with the distribution in Ludville. But that wrongness is of a kind that luck egalitarianism is not intended to diagnose. If luck egalitarianism is really just a theory of *comparative fairness*, for example, then perhaps our criticism of luck egalitarianism is misplaced. This view has been best advanced by Temkin (1993; 2011; 2017). As he puts it,

“[o]n close examination, the intimate connection between equality and fairness illuminates the ultimate role that luck plays in the egalitarian's thinking, as well as the relevance and limitations of the well-known ‘through no fault or choice of their own’ clause. Among *equally* deserving people, it *is* bad, because *unfair*, for some to be worse off than others through no fault or choice of their own. But among *unequally* deserving people it isn't bad, because not unfair, for someone less deserving to be worse off than someone more deserving, even if the former is worse off through no fault or choice of his own” (2017, 45–46, his emphasis)

One is immediately struck by all this talk about desert by a luck egalitarian. And, indeed, the most straightforward reply to Temkin is that he is really a desertist and not a luck egalitarian. But we'll get to that in a moment.

Reply: The disadvantages of pluralism. We do not dispute that pluralism is likely necessary at some level. After all, it may be that the concept of justice itself does

⁹² Tan (2008) makes some suggestions along these lines.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

not encompass everything that we think morally relevant to economic life.⁹³ If that is so, then *no* theory of justice can fully answer every question about how we ought, morally, to arrange our economy.

What is important for our purposes in this chapter is that, in the scenarios described, desert *monistically* renders the intuitively correct moral verdict. Luck egalitarianism, in contrast, constantly has to be supplemented: by principles of beneficence, or efficiency, *etc.*

Occam's Razor tells us that we should not multiply entities without need, but luck egalitarians like Temkin would have us do precisely that in order to account for the intuitions that luck egalitarianism misses. But when it comes to justice, just as when it comes to the natural world, we should aspire to a theory that "explains various large and independent classes of facts" (Darwin 1868, 8) that "bring[s] order to phenomena that in its absence would be individually isolated" (Kuhn 1977, 322). Desertism has greater explanatory power than luck egalitarianism.

More seriously, as we have seen, there are some cases (the Burning House, the Personal Computer Revolution) in which luck egalitarianism can render a clear and monistic verdict—but it appears to be the wrong one. This casts doubt not on the generality of luck egalitarianism, but on its truth. As these cases suggest, the fact that someone made a valuable contribution may be of greater fundamental importance, from the point of view of distributive justice, than whether that person voluntarily chose her actions (or was in control of them).

Finally, there is a pragmatic worry. Suppose that Temkin is right and the proper domain of application of luck egalitarianism is 'comparative fairness'. Further suppose that we want to pursue justice in our world by applying luck egalitarian theory. We face hard questions: How is comparative fairness related to non-comparative fairness? Are fairness and justice coextensive, or could some distribution be fair but unjust? In such a case, which takes priority? What role is there for rights? For

⁹³ Konow (2001) finds that human beings share three "distributional goals": "just deserts, need, and incentives for productivity [*i.e.* efficiency]" (p. 139). In other words, (1) giving people what they deserve is what we *mean* by justice, (2) need and efficiency are also morally important (though less important than justice/desert), and (3) need and efficiency may *conflict* with justice (and each other) in some cases.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

communal values? When must communal values be ceded to rights, rights ceded to fairness, and fairness ceded to communal values?

While luck egalitarians are certainly not alone in dodging conceptual complexities, if they cannot even tell us what *fairness* demands, let alone *distributive justice*, then it is hard to see what value the theory has for the real-world pursuit of justice.

As an aside, another pragmatic concern, which again favors desertism over luck egalitarianism, is efficiency. A redistributive system that provides resources or welfare-enhancements in proportion to laziness or incompetence is driven toward zero output. Everyone suffers. Yet a luck egalitarian system might well do this—if those traits are had as a matter of luck. In contrast, the plausible desert bases in the economic realm, including contribution,⁹⁴ are all connected to a person's *productivity*—the amount of output she can produce per unit time. Put differently, by giving people what they deserve we naturally promote the right economic incentives. As Paul Krugman reminds us, “productivity isn’t everything, but in the long run it is almost everything. A country’s ability to improve its standard of living over time depends almost entirely on its ability to raise its output per worker” (1994, 11).

Some luck egalitarians have felt the theoretical allure of desert, as evidenced by the extent to which talk about desert suffuses the luck egalitarian literature. These luck egalitarians resist the notion that the ubiquity of desert should incline them to desert-based justice. We believe that this resistance will ultimately fail. To illustrate, let’s consider an example Temkin gives, which is supposed to prove that he is, *pace* all his desert talk, not actually a desertist deep down.

Example: Having children (Temkin 2017, 58). Bo and Qing begin their adult lives with equal talents and equal resources. Both are equally morally deserving. Qing has children and Bo does not, leaving Qing with fewer resources to spend on himself. Temkin says this is fair. This shows that he is a luck egalitarian, and not a desertist, because desert would require that Bo and Qing should actually have equal resources to spend on themselves (since they are equally deserving): “Having children and

⁹⁴ Another possible desert base that is tied to productivity is purposeful effort (cf. Wolff 2003; Sadurski 1985).

sacrificing on their behalf wouldn't make Qing a less virtuous or less morally deserving person than Bo. [...] it is perfectly plausible to believe that such free and responsible choices don't make Qing less *deserving* of a good life than Bo" (2017, 58, his emphasis).

Reply: Mutually beneficial exchanges. Temkin, it seems to us, strawmans desert-based justice here. Even if there were a viable theory of virtue-based desert that had the implication Temkin suggests, many theories do not have this implication. The mainstream desertist theory on which we rely certainly does not. To see this, consider Smith, who deserves D dollars on the basis of his social contribution. He decides to spend d dollars of it on a book. Now there's supposed to be injustice, because Smith deserves D dollars, but in fact he only has $D - d$, plus a book?

No desert-based theory of justice that subscribed to such a view could possibly serve as an operative theory of distributive justice, since it rules out the possibility of mutually beneficial trades. An economy in which (1) resources are distributed on the basis of social contribution and (2) deserved resources may be exchanged between citizens for goods and services as they see fit is a perfectly coherent one.

So Qing's choice about whether to raise children or not is irrelevant for determining whether her income is deserved. The distributor doesn't look at Qing's personal life, but at his economic activity: Did Qing make *bona fide* contributions to the economy (in which case his income is deserved), or did he steal it, extract rents from his firm, or the like (in which case it is not)?

4. Conclusion

Our world is one in which nearly all people consider themselves "friends of desert" (Kagan 2012, 3). There is, thus, a gap between the centrality of desert-like intuitions in people's reasoning about justice and the presence of desert in political theory.⁹⁵ Although some philosophers may think that this gap has already been bridged by luck egalitarianism, we have shown in this chapter that that is incorrect. All of the major construals of luck egalitarianism conflict with one dominant version of desertism. And at these three points of conflict, desertism has the better side of things. Desertism is

⁹⁵ As noted in Miller (2001), Mulligan (2018a), and Scheffler (2018b).

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

more intuitively appealing, more flexible, and does not produce the unsavory consequences of luck egalitarianism.

Chapter 5: Can desert solve the problem of stakes? A reply to Olsaretti⁹⁶

1. Introduction

In “Responsibility and the Consequences of Choice”, Serena Olsaretti (2009) argues that luck egalitarianism needs a principle of stakes. Such a principle specifies “what consequences can justifiably be attached to the features that are the appropriate grounds of responsibility” (2009, 167). Without it, luck egalitarianism is indeterminate: the theory cannot tell us what consequences people should bear when they are responsible for their acts.

To illustrate the need for a principle of stakes, Serena Olsaretti uses Marc Fleurbaey’s (1995) well-known example of the motorcyclist Bert—who gets into an accident because he deliberately and voluntarily chose to drive his motorcycle at high speed. Should Bert pay for medical treatment? If so, what price should he be charged? And would Bert’s employer be justified in firing him if the accident leaves him less productive? Absent a principle of stakes, it is unclear what the answers to these and similar questions are.

Olsaretti considers four possible candidate principles of stakes: (1) the natural consequences view (2009, 173–77), (2) the equal shares view (2009, 177–82), (3) the consequentialist view (2009, 183–84), and (4) the desert view (2009, 184–85). She finds that each of these has serious limitations, raising the question whether luck egalitarianism can be made determinate in a plausible way *at all*.

In this short chapter, we argue that things are not as dire. It seems to us that desert fits naturally within the luck egalitarian idea—luck egalitarianism is sometimes even formulated as an account that equalizes “undeserved inequality” (Arneson 2000a, 345).⁹⁷ Olsaretti is too pessimistic about the potential for desert as a principle of stakes.

⁹⁶ This chapter is based on a paper I co-authored with Willem van der Deijl and that has been published as Brouwer and Van der Deijl (2018). Some modifications to the original article have been made. We thank Bart Engelen, Serena Olsaretti, Maureen Sie, and an anonymous referee for helpful comments on an earlier version of this chapter.

⁹⁷ Rakowski (1991) and Temkin (2017) also invoke desert in their formulations of luck egalitarianism.

2. What is a desert-based principle of stakes?

To decide whether desert can be a plausible principle of stakes for luck egalitarianism, it first needs to be clear what such a desert-based principle is. There is not one single answer to this. Desert is a rich concept. It can be conceptualized multifariously by filling out the three placeholders that any desert claim (at least implicitly) has to contain, which are a desert subject (S), desert object (O), and desert base (B) (Feinberg 1970). We focus on the basic, intuitively plausible idea of (one form of) moral desert here: the idea that a person (S) deserves wellbeing (O) on the basis of her virtuousness (B), which we understand as the moral and prudential nature of her character.⁹⁸

If moral desert were the sole distributive principle, then the more virtuous would deserve that their lives go better. As a principle of stakes for a responsibility-sensitive view, moral desert has a more limited role: it only requires that the consequences of people's voluntary choices be constrained by the degree of their virtuousness. More precisely, luck egalitarianism with a moral desert principle of stakes would take the following form:

Whenever the consequences of choice are the result of brute luck, these consequences should be neutralized. The consequences of voluntary choice (i.e., option luck) should be no worse and no better than the consequences she deserves on the basis of her virtuousness.⁹⁹

In the case of Bert, this account implies that he should bear only those consequences that he deserves to bear on the basis of his virtuousness, but no worse. If a person suffers a greater decrease in wellbeing than would be deserved on the basis of his virtuousness, his wellbeing would need to be restored to the deserved level.

⁹⁸ Recent defenders of (a form of) moral desert include Arneson (2007), Kagan (1999; 2012; 2019), Kristjánsson (2003), and, arguably, Temkin (2017).

⁹⁹ The conception of desert that we have in mind here is both preinstitutional and prejusticial. That is, it can specify what justice requires without reference to the rules or goals of institutions, and without reliance on other principles of justice. This conception can then be used in the design of society's institutions, which will generate institutional desert claims (that is, claims of entitlement) in accordance with it. For a discussion of these features of the concept of desert, see Feinberg (1970), Scheffler (2000), and Olsaretti (2003a, chap. 1), as well as chapter 1.

There are various ways in which this desert-based account of stakes can be made precise. One way to flesh it out is to adopt a lifetime, comparative conception of desert, according to which people deserve on the basis of the extent to which they live virtuously compared to others.¹⁰⁰ This specific notion of desert would fit well within the luck egalitarian framework, for two reasons. First, luck egalitarians hold that people's past inequality-justifying choices can, compatibly with justice, influence the quality of the option set they currently face, a concern that is shared by the lifetime focus of this notion of desert. Secondly, many luck egalitarians regard their theory as a theory of comparative (not absolute) fairness (*cf.* Temkin 2017, p. 45, also see chapter 4.3.3. of this thesis), and a comparative notion of desert fits well within that scope.¹⁰¹

This moral desert account of stakes rules out the possibility that Bert bear certain consequences of his accident, such as losing his job and motorcycle, and having to pay all the costs of the unforeseeable medical conditions he develops because of the accident, at least as long as he did not behave extremely imprudently (such as by deliberately drunk driving). These outcomes would seem disproportionately bad.

3. What should a principle of stakes do?

Now, on to the two problems Olsaretti raises for desert as a principle of stakes. The first is that desert cannot delineate the consequences of voluntary choices in an exact enough manner. More precisely, she claims that such a principle of stakes cannot specify "*what exactly* a person deserves" (Olsaretti 2009, 185 her emphasis), but at most be a "constraint on the costs people may be held responsible for" (2009, 184). Olsaretti seems to suggest the following standard for a principle of stakes here:

¹⁰⁰ Many defenders of desert as a principle of distributive justice insist that desert must be subject to a responsibility requirement of the following form: if S deserves O in virtue of the fact that S did or suffered B, then S is responsible for doing or suffering B. Fred Feldman (1995, 64) is a well-known exception. We think that many luck egalitarians, because of the importance they attach to voluntary choice, would impose a responsibility requirement on desert claims.

¹⁰¹ A further question is how to transform people's performance in terms of this desert base into amounts of the currency of justice (for instance, a specific amount of resources). Doing so requires the specification of a mapping function. As we think that many mapping functions would plausibly fit within the luck egalitarian framework, we do not choose and pick one here. Kagan (2012) extensively discusses the many different mapping functions that defenders of moral desert have at their disposal.

Olsaretti standard: A principle of stakes should specify *exactly* what consequences can justifiably be attached to the features that are the appropriate grounds of responsibility.

The way we understand this concern is that, in the case of Bert, a principle of stakes that meets this standard would specify by itself what share, if any, of his medical expenses Bert should bear exactly, whether—and if so, by how much—Bert’s employer would be justified in reducing his pay because of a drop in his productivity, and so on.

If this is indeed Olsaretti’s concern,¹⁰² it is unnecessarily demanding. Rendering a theory of justice determinate is not the same as being able to specify what exactly the theory requires in cases such as Bert’s. Not many theories of justice can do that. John Rawls, for instance, famously suggested that his theory of justice does not by itself specify the correct economic organization of society, on grounds that the right answer to this question depends on the other factors as well (Rawls 1971, 280).¹⁰³ Other examples include Amartya Sen’s (1995) capability approach, which does not identify which capabilities and functionings are valuable, but does provide a way to reason about these questions; and Nozick’s (1974) libertarianism, which does not specify how precisely to rectify past injustices, but does provide principles that can help us reach an answer to this question.

What is important is that a theory of distributive justice specifies under what conditions redistribution is required, and provides a principle that can guide calculations of how much redistribution is required. Our desert-based principle of stakes does not specify the best way to measure virtuousness and how to transform this measure into a precise account of consequences, but this should not be held against it.

¹⁰² Another way to understand Olsaretti’s concern is that desert cannot settle whether the legitimate consequences fall in the health domain and/or the job domain. In other words: Desert does not tell us how exactly Bert’s well-being must be diminished. If that is the concern, we think the same response that we provide in this section applies. In fact, that problem seems common to theories of justice that take well-being as the currency.

¹⁰³ In later work, Rawls does take a more specific stance (e.g. 2001).

Note that even the very general account of moral desert we have outlined so far can achieve important results. Suggesting that there is a maximum level of harm that may be justly suffered from voluntary choices depending on the virtuousness of the individual may already provide a case, for example, for social health insurance policies that provide less compensation for traffic participants that grossly neglected the safety of others.¹⁰⁴

Also, we think that a moral desert principle of stakes can go some way in helping luck egalitarians answer the critique that their theory requires that people bear certain harsh consequences of their actions (Anderson 1999; Scheffler 2003b; Temkin 2017). Without this principle of stakes, it is hard for luck egalitarians to alleviate these concerns about harshness. With it, however, they can easily avoid them.

Now, on to Olsaretti's second problem for desert as a principle of stakes, which is that a desert-based principle of stakes would need to rely on institutions in order to work. More specifically, she argues that:

“[W]hat exactly a person deserves—whether it is money or a round of applause for having put in a good musical performance, for example—is settled by the institutional context in which desert claims are made, rather than by the notion of desert itself.” (2009, 185)

If it is impossible to arrive at a judgment of what reward would be just without institutions, then desert is not doing sufficient justificatory work itself.

This objection, however, does not apply to the account of moral desert we introduced. The view we put forward proposes proportionality between wellbeing and virtuousness in case of option luck. This does not depend on institutions. In fact, a number of philosophers take (a form of) moral desert to be distinctive – including Richard Arneson (2007), Shelly Kagan (1999; 2012; 2019), and Kristján Kristjánsson (2003).

¹⁰⁴ The *bonus-malus* system that is used *inter alia* in the car insurance industry could be seen as an example. People who drive more prudently (i.e., get into accidents less often) get a discount on their premiums.

4. Conclusion: Researching plausible principles of stakes

As Olsaretti has convincingly shown, luck egalitarianism suffers an important indeterminacy. Luck egalitarianism and desert are two separate ways of thinking about justice (also see chapter 4 of this thesis). However, desert fits naturally within the luck egalitarian spirit. In fact, in light of the various problems raised by Olsaretti for other accounts of stakes, desert may well be the only viable account. While going beyond the scope of this argument, if our argument is correct, if Olsaretti's arguments with respect to the other possible accounts of stakes succeed, and if there are no further accounts, luck egalitarianism cannot do without the notion of desert.

Chapter 6: Earning too much. The case for maximum incomes¹⁰⁵

1. Introduction

What, if anything, can justify a maximum income? Many people think that there is no rationale for such a policy. A common worry about the maximum income is, as Marc Fleurbaey puts it, that “imposing a 100 percent marginal tax rate [is] a recipe for economic collapse” (2018, 40). Another common objection is that people should, in principle, always be allowed to earn more money. Anthony B. Atkinson, for one, argues along those lines:

“Marginal tax rates are not just a matter of incentives: the change in take-home pay as a consequence of an increase in earnings is also judged in terms of its intrinsic fairness. Fairness involves a perceptible link between effort and reward: people deserve to keep at least a reasonable portion of what they earn through increased hours or taking increased responsibility or a second job” (2015, 210).¹⁰⁶

According to authors like Fleurbaey, then, a maximum income has detrimental *consequences* for society. For authors like Atkinson, who take a more *deontic* approach, limits to how much people can earn are intrinsically unfair. According to them, free choice of occupation, and the idea that people should always be able to earn more money, are part of what we owe to each other in a just society, or part of what people can deserve or be entitled to.

We want to challenge those views. Many countries impose a minimum on how much people can earn. Why not impose a maximum as well? We will argue that

¹⁰⁵ This chapter is based on the paper “Earning Too Much: The Case for Maximum Incomes”, which I co-authored with Dick Timmer and is currently under review. For helpful comments on earlier drafts of this chapter, we thank Michael Bennett, Bart Engelen, Collin Hickey, Sem de Maagt, Tim Meijers, Serena Olsaretti, Ingrid Robeyns, Hanno Sauer, and Maureen Sie. We also thank the participants in the practical philosophy colloquium at Utrecht University (on May 7th, 2019) for helpful discussion. We are particularly grateful to Serena Olsaretti, for suggesting to us to explore whether different moral theories could converge on the idea of a maximum income, and to Tim Meijers, for pointing us to (Carens 1987) as a source of inspiration for our argumentative strategy. This project has received funding from the European Research Council (ERC) under the European Union’s Horizon 2020 research and innovation programme (grant agreement 726153) and the Dutch Research Council (NWO, grant agreement 36020390).

¹⁰⁶ This intuition seems to be widely shared, see e.g. (Scanlon 2018, 114). For some anecdotal evidence, consider the widespread support Astrid Lindgren received in Sweden when she protested against the 102 percent marginal tax rate she was faced with in 1976. See: <https://lenbilen.com/2012/01/24/pomperipossa-in-monismania/>.

Rawlsian egalitarianism, utilitarianism, and desertism—three prominent approaches to taxation and justice in contemporary political philosophy—support maximum income policies (MIPs).¹⁰⁷ There are many formulations and interpretations of these three theories. But we will argue that, in general, all three hold that, over and above some point, increasing hours, taking more responsibility, taking on a second job, or other ways to increase one's pre-tax income can no longer justify an increase in take-home pay. Convergence of those very different theories on support for MIPs strengthens, in our view, the case for such policies.

This chapter is structured as follows. The next section clarifies that our argument applies to income from three sources (labor, capital, and inheritance and gifts), and distinguishes relative and absolute MIPs, and MIPs in structure and in aim (§2). In §3, we argue that Rawlsian egalitarianism is compatible with MIPs, and supports two of the four types. In §4, we argue that utilitarianism also supports two of the four types of MIPs. In §5, we argue that desertism supports all four types of MIPs. The upshot of this chapter is, then, that several well-known and often defended moral views on distributive justice and taxation provide support for MIPs—and even converge on their support for relative MIPs.

2. The maximum income

A maximum income policy constrains how much income an individual is allowed to earn on an annual basis.¹⁰⁸ We take such MIPs to apply to the aggregate total of three main sources.¹⁰⁹ The first is income from labor and self-employment, which includes income in the form of wages, bonuses, and so forth. The second is income from capital, which includes, among other things, income in the form of rent, dividends, interest, profits, and capital gains. The third source is income in the form of gifts and

¹⁰⁷ In this paper we assume a non-libertarian paradigm, and so we will not discuss whether people can have an entitlement to large amounts of wealth on grounds *other than* those provided by Rawlsian egalitarianism, utilitarianism and desertism. Perhaps libertarianism provides such an independent ground, but we leave that for others to explore.

¹⁰⁸ Alternatives include a maximum lifetime income or a maximum income imposed on segments of a life longer than one year. We do not discuss such proposals in this paper, but many of our arguments apply to those proposals as well.

¹⁰⁹ A fourth source of income is income from social benefits. We will leave this source aside, since it is itself based on principles of reciprocity, fairness and efficiency.

inherited wealth. For present purposes, we also include income from gambling and lotteries under this third category.

MIPs can be relative (rMIP) and absolute (aMIP), but all MIPs cap how much income people can earn. An rMIP, or ‘pay-ratio’, specifies the maximum income someone can earn by multiplying a certain income, such as the minimum, median or average wage, by a given factor.¹¹⁰ An aMIP specifies how much income someone can maximally earn without direct reference to the incomes of others.¹¹¹ aMIPs can and will, however, refer to other incomes indirectly. They can do so, for instance, by making the limit depend on the amount of money required to live a fully flourishing life.¹¹² That amount depends, among other things, on how much others have.

MIPs also differ along a second dimension: There are MIPs in structure and in aim. An MIP *in structure* directly limits the amount of income people receive. An example would be a 100% tax on incomes above a certain amount, say \$1.000.000. Another example would be a maximum pay ratio, of say 1 to 30. An MIP *in aim* creates a set of social structures that aim to cap incomes people can earn without directly imposing limits. Examples of such policies include governments giving priority in public procurement processes to companies that have a pay ratio below a certain level. Another example would be the government forcing companies to disclose the pay ratio in their annual reports—if doing so incentivizes companies to reduce their pay ratio.

Hence, we distinguish four types of MIPs: aMIPs in structure and in aim, and rMIPs in structure and in aim. We will argue that utilitarianism, desertism, and Rawlsian egalitarianism all support rMIPs in aim and in structure. Only desertism also supports aMIPs.

¹¹⁰ A relative maximum in a company, for example, specifies that the highest paid worker (often the CEO) can maximally earn n -times the income of the lowest, average or median-earning worker of that company. For example, the average CEO-to-worker pay ratio for S&P 500 companies in the USA was 361:1 in 2017, meaning that CEOs earned 361 times as much as the median-earning worker in their company (see <https://aflcio.org/paywatch/company-pay-ratios>).

¹¹¹ In the European Union, eleven countries have adopted an absolute maximum of this type on the salaries of public officials in the public and/or semi-public sector (Bruni 2017). Those income caps illustrate the kind of regulation we have in mind, though they often only apply to the first source of income and are, furthermore, not implemented in the private sector.

¹¹² Robeyns (2017) defends an argument along these lines.

Our focus is on MIPs that apply nationally in both the private and the public sphere. The reason for our focus on the national level is twofold. First, in today's world, national governments have the greatest power to tax. This power is necessary for the realization of many MIPs. Second, the broad definition of income we use cannot be regulated by companies alone. We do think, however, that, with minor modifications, our arguments for MIPs also support organization or sector-based-MIPs; as well as MIPs at the level of international political unions, such as the European Union.¹¹³

We should note that our argument's scope is limited in three ways. First, none of the distributive views we discuss require MIPs *only*. Income ceilings supplement other policies, such as a progressive system of taxation on incomes below the maximum. We ignore the need for such other policies here, and focus only on MIPs. Second, although Rawlsian egalitarianism, utilitarianism, and desertism in isolation support MIPs, pluralistic versions of these theories may support different MIPs than their monistic counterparts.¹¹⁴ Although it is worthwhile exploring whether pluralistic versions of the distributive views we discuss support MIPs, we focus on the monistic versions of those theories. Third, our argument is that Rawlsian egalitarianism, utilitarianism, and desertism converge on their support for (certain types of) MIPs. Our argument is *not* that each theory proposes to cap income at the same level. In fact, it seems quite plausible that each theory recommends different maximum incomes. However, we will argue that for none of the theories the maximum level is trivially high, so that it would not really have any significant effect.

3. Rawlsian egalitarianism

Many people believe that people should be treated as equals. And though few of us hold that money is all that matters, some in fact believe that economic equality has

¹¹³ We do not make a distinction between incomes in the private sector and the public sector. An argument one often hears is that, in the public sphere, more stringent ethical norms about wages apply. This only strengthens the case for MIPs in certain sectors. But our argument aims to be broader than this, and deals with the private sector as well.

¹¹⁴ Take desertism combined with a principle of need. Such a pluralistic view would be particularly concerned with the position of the needy—and may, as a result, support rMIPs over aMIPs (assuming that rMIPS would be fixed with reference to a minimum income). But as we will argue below, desertism itself supports aMIPs as well.

independent moral significance. And even those who maintain that economic equality does not matter, often still say that everyone should be treated as having equal moral worth or standing when it comes to the distribution of income (see Frankfurt 1987).

But either way, *equality* is the default position, and deviations from that position require justification. It seems to us that for current wealth inequalities, no such justification can be given. To give one example, in 2017 the richest 0.1% in the U.S. took in 188 times as much income as the bottom 90% (Saez 2016). How, if ever, can this be justified by referring to *equality* as a moral ideal? We will argue that this cannot be done. In fact, we will argue that a commitment to equality urges us to adopt MIPs.

There are many ways to conceptualize the ideal of ‘equality’, but we will focus on John Rawls’ interpretation of it. According to Rawls, any deviation from equality must be justified by showing that the least well-off optimally benefit from such inequalities. According to Rawlsian egalitarians, then, inequalities “should make a certain functional contribution to the expectations of the least favored” (Rawls 1993, 283). We will consider two domains in which wealth inequalities may matter according to Rawlsians, namely in the sphere of politics, and in the sphere of the economy.

Let’s consider the political liberties first.¹¹⁵ Rawls says that a just society requires:

“an ideal form for the basic structure [of society] in the light of which ongoing institutional and procedural processes are constrained and adjusted. Among these constraints are the limits on the accumulation of property (especially if private property in productive assets exists) that derive from the requirements of the fair value of political liberty” (Rawls 1993, 284).

From this passage it becomes clear that Rawlsian egalitarians must oppose economic inequalities which undermine the fair value of political liberty. Rawls argues that because the political liberties should be distributed equally among all members of society, we must avoid economic inequalities which threaten those liberties. Without fair rivalry, that is, without institutional measures to, among other things,

¹¹⁵ For an earlier discussion of this democratic case for economic limits, see (Robeyns 2017, 6–10; Volacu and Dumitru 2019; Timmer 2018)

curb the influence of money on politics, the fair value of political liberty cannot be guaranteed.

Can MIPs draw support from this view? Note first that Rawls is primarily concerned with *inequality*, and so aMIPs, which politically enforce an absolute income ceiling above a certain amount, are ruled out. After all, if, by assumption, the relative value of people's political liberty is determined by their relative economic standing, why should we support policies which set an absolute rather than relative threshold on how much income people can earn? It thus seems that a concern for political liberty is neither compatible nor supportive of aMIPs.

If Rawlsian egalitarians supports MIPs, they must support proposals of the relative rather than the absolute kind. Some Rawlsian egalitarians argue that the economic sphere and political sphere can be insulated from each other to prevent economic power turning into political power; this effectively undermines the validity of *all* MIPs on the grounds of the political liberties.¹¹⁶ For example, one can restrict the possibility of corporations to influence political processes. This can be done by curtailing the lobbying activities they can engage in, and by increasing the share of public funds in election campaigns by giving every citizen a certain amount of money to spend supporting their preferred candidate (cf. Williamson 2013, sec. 4).¹¹⁷ If such strategies work, then MIPs would be unnecessary to ensure the fair value of political liberties.

However, others are more pessimistic about such insulation strategies. Ingrid Robeyns, for instance, argues that adopting anti-lobbying measures and reforming campaign financing do not go far enough in realizing political equality between the rich and the poor (2017).¹¹⁸ Rich and influential people socialize with other rich and influential people, and thereby have a disproportionate influence over political decision-making that is very hard for policy makers to counteract. Such inequalities lead to social stratifications that give the rich a disproportionate amount of access to

¹¹⁶ See, for instance, (O'Neill 2009; Sandel 1998; Vallier 2015).

¹¹⁷ Note that Williamson himself is a supporter of property-owning democracy schemes. The insulation strategies he outlines, however, are compatible with the welfare state capitalist system as well.

¹¹⁸ Robeyns draws on Christiano (2010; 2012) to support her argument.

political power. The only way to really do something about it, is to reduce inequality in income and wealth.

The pessimists, then, and we count ourselves among that group, think that to secure the fair value of political liberty, at least certain constraints in people's incomes are justified and called for. If the relative economic power of people correlates with their relative political power, whatever a fair 'ratio' of political inequality is, must serve as a guideline in determining what the fair ratio in economic inequality is. Setting such a ratio is precisely what rMIPs in structure and in aim do. In other words, if one holds that the fair value of political liberties cannot be protected by insulation strategies, this provides support for rMIPs.

Rawlsian theory provides another, independent ground for MIPs: the idea that inequalities should favour the least-advantaged in the sphere of the economy. As we take it, this difference principle supports rMIPs both in structure and in aim. Saying that economic inequalities must benefit the least-advantaged members of society is simply a different way of saying that the ratio between those most and least advantaged members cannot exceed the point where the least advantaged members no longer benefit (if one adopts the strong interpretation of the difference principle) or are in fact harmed by larger inequalities (if one favours the weak interpretation of the difference principle).¹¹⁹

However, the difference principle is not concerned about high incomes as such, and hence cannot support a policy which levies a 100% tax on all incomes above a certain amount. It might very well be, for example, that allowing higher incomes benefits the least advantaged members of society (or, if one adopts a weaker version of the difference principle, that higher incomes do not harm those least advantaged members). Hence, we cannot draw on the difference principle to seek support for an aMIP in structure.

¹¹⁹ One might argue that for Rawls inequalities are always subject to a constraint—but that this does not place an independent *limit to the size of the gap*. This is true in the sense that Rawls does not propose a specific ratio between the poor and the rich. But of course, that does not mean that there is no limit to the size of the gap, because the limit is set at the point where further increases in the size of the gap no longer benefit the least well-off. On different interpretations of the difference principle, see Van Parijs (2003).

What about aMIPs in aim? Here, again, we think that the difference principle cannot provide much support. aMIPs in aim try to create social structures that tend to cap income at a certain threshold. However, that runs counter to one of the main rationales behind the difference principle, namely to harness growth and efficiency *for the purposes of fairness*. Even if they are implemented only indirectly via policies that tend to lead to lower high incomes, aMIPs do not always improve the situation of the least advantaged members of society. Therefore, the difference principle is incompatible with aMIPs both in structure and in aim.

To conclude, neither concerns for political liberties nor the difference principle provide a Rawlsian egalitarian case for aMIPs. However, both the fair value of political liberty and the difference principle provide support for rMIPs. The fair value of political liberty does so if one is sceptical of other strategies to safeguard people's political liberties. The difference principle provides the clearest support for rMIPs; its conceptual structure simply asserts as much. Therefore, those in favour of equality, and those adopting Rawlsian egalitarian in particular, should support rMIPs.

4. Utilitarianism

A popular justification for high incomes is that they leave everyone better off. The prospects of becoming extremely rich, the thought goes, encourages people to be more creative and work harder. And the rich do good things with their money too. They spend their wealth on helping people with unmet urgent needs, on improving access to education, and on preserving the environment.¹²⁰ This justification for high incomes has a utilitarian ring to it, because it argues against MIPs on the grounds that the possibility to earn high incomes increases utility.

But is there really a utilitarian case for unlimited incomes? We will argue that utilitarianism supports MIPs in aim, and that utilitarianism is, at least, *compatible* with MIPs in structure. We will make our case in very general terms, leaving important questions that deeply divide the utilitarian camp unaddressed, such as what utility is,

¹²⁰ Think, for instance, of the success of the Giving Pledge, an initiative that encourages billionaires to pledge half of their wealth to charitable causes (The Giving Pledge, 2019).

how it is measured, and whether average utility or total utility should be maximized.¹²¹

Our argument holds regardless of how these questions are answered precisely.

Here is the basic utilitarian case for MIPs. It is implausible to think that utility is maximized when income is concentrated in the hands of a few. The marginal utility of income is very low for rich people, whereas it is very high for the poor. We will focus on utilitarianism in relation to income from labor. But the same argument applies to incomes from capital, gifts, and inheritances—the other income sources to which MIPs apply. The marginal utility of income decreases the more one earns. Therefore, we can achieve greater average and total utility by redistributing some of the rich's economic resources to those lacking food, medicine, and shelter—and, arguably, to people who have a somewhat higher income as well. Hence, in order to maximize utility, we should implement policies that cap incomes.¹²²

To make this basic utilitarian argument more vivid, consider a rich person who spends millions on art, a fourth sports car, a yacht, and a sixth house—whereas others are starving. She could also spend her wealth on goods and services necessary to improve the lot of the starving. That generates an amount of utility easily exceeding the utility she derives from additional luxury goods. From the point of view of the utilitarian calculus, then, the rich are wasting valuable resources, and much can be gained by implementing MIPs.

There are various subtler utilitarian arguments to be made for MIPs. We will consider an important one here: the conspicuous consumption argument. According to this argument, a significant part of the current consumption of the rich is wasteful *in itself*. Adam Smith already noticed this when he lamented that “the chief enjoyment of riches consists in the parade of riches; which, in their eye, is never so complete as when they appear to possess those decisive marks of opulence which nobody can possess but themselves” (Smith 1776, I.XI). About a century later, John Stuart Mill, the famous utilitarian, argued that wasteful consumption should be taxed:

¹²¹ On these issues, see Kagan (1997, chaps. 2–5).

¹²² Because we are interested in policy proposals rather than individual actions, we adopt a rule utilitarian approach here.

“a great portion of the expenses of the higher and middle classes in most countries [...] is not incurred for the sake of the pleasure afforded by the things on which the money is spent, but from regard to opinion, and an idea that certain expenses are expected from them, as an appendage of station; and I cannot but think that expenditure of this sort is a most desirable subject of taxation. If taxation discourages it, some good is done, and if not, no harm; for in so far as taxes are levied on things which are desired and possessed from motives of this description, nobody is the worse for them” (Mill 2004, bk. V, chap. 6, pt. 7).

Why is such conspicuous consumption, which is aimed at showing off how wealthy one is, wasteful? For one thing, the rich spend money on things where the utility pay-off is relatively low. But more importantly, conspicuous consumption engenders wasteful positional arms races.¹²³ The rich buy certain goods to show off their social status, which are then also bought by others for the same purpose. This reduces the value of the status good, and induces the rich to buy other goods to show off. This is wasteful because it decreases the resources available for valuable non-positional goods, such as food and healthcare (to the extent that these are non-positional goods).

And, to make matters more complicated, income itself can also be a positional good. Transparency about executive pay in the US has led to higher, rather than lower pay—precisely because people now know whom they are up against.¹²⁴ Simply by inhibiting people from gaining economic benefits over and above the maximum income, MIPs take away the incentive to compete for such benefits. Insofar as high incomes are conducive to wasteful positional arms races, then, MIPs foster the maximization of utility.¹²⁵

There are two important objections to the utilitarian case for MIPs: the incentive objection and the indeterminacy objection. The incentive objection is an

¹²³ On positional goods, see Hirsch (1977), Schneider (2007), and Frank (2007).

¹²⁴ See Scanlon (2018, chap. 9), who bases this claim on Bivens and Mishel (2013).

¹²⁵ To illustrate, take a look at the equivalent of eBay for the very wealthy: <http://www.jamesedition.com>. Note that we do not claim that all positional arms races are equally wasteful. Positional arms races in education may be less wasteful, for instance, than positional arms races in exclusive cars.

amended version of the claim we started out with. It goes like this: ‘We should reduce the gap between the rich and poor, but we should allow some individuals to earn (very) high incomes, because doing so will leave everyone better off’. This amended claim acknowledges that, from a utilitarian perspective, the gap between the rich and poor must be reduced. But it also holds that eliminating high incomes altogether hampers the maximization of utility.¹²⁶

To illustrate the pull of this argument, consider the fact that some jobs are socially valuable, but, at the same time, not intrinsically rewarding. Take the job of crane operators, who spend most of their time at great heights with little contact with other people. Because of this, the salary of crane operators is quite high. In New York, for instance, salaries of \$500.000 per year are not unheard of. If such salaries cannot be paid, the incentive objection goes, no-one is willing to be crane operator. So crane operators’ salaries pay off in utilitarian terms. Similarly, without even the *possibility* of earning a very high income, potential entrepreneurs may not invest large amounts of money and time in possible innovations (cf. Vallier 2015). If very high incomes are impermissible, Bill Gates may not have taken the risk of founding Microsoft if he knew in advance it would never make him very wealthy.

There are three ways to rescue MIPs from the incentive objection. Before moving on to these three responses, however, it is important to note that the force of the incentive objection really depends on the level of the MIP or the size of the pay-ratio. All else equal, the lower the income limit, the more bite the incentive objection will have. It is quite plausible that there is a valid incentive objection to be made to a policy that ensures that everyone is paid the same. The aim of our argument, however, is to show that the incentive objection can be met for maximum income proposals that are not strictly egalitarian in this sense, but that do allow for income inequality.

¹²⁶ For this objection in the context of limitarianism, see Volacu and Dimitru (2019). Edward Prescott (2004; however, see Rogerson 2007) has argued along those lines that that differences in marginal income tax rates alone account for most of the differences in labor supply between Americans and Europeans.

Now, on to our three responses to the incentive objection. First, the objection may be a transitional one.¹²⁷ People need time to get used to maximum incomes. But as the economist and philosopher John Maynard Keynes put the point:

“There are valuable human activities which require the motive of money-making and the environment of private wealth-ownership for their full fruition. [...] But it is not necessary for the stimulation of these activities [...] that the game should be played for such high stakes as at present. Much lower stakes will serve the purpose equally well, as soon as the players are accustomed to them” (Keynes 1936, 374).

Given the positional nature of income, the relative comparison is largely what is doing the motivating and this can and will still happen when it is topped off in relative or absolute terms. Even if top incomes are capped, there will still be differences and these will continue to work as incentives. It will simply be less wasteful.

This observation finds support in research about human motivation. In a large survey of the literature on reward and motivation, Alfie Kohn points out that “[a] number of studies [...] have examined whether or not pay, especially at the executive level, is related to corporate profitability and other measures of organizational performance. Often they have found slight or even *negative* correlations between pay and performance” (1993, emphasis his). He notes that “perhaps what these studies reveal is that higher pay does not produce better performance [...] the very idea of trying to reward quality may be a fool’s errand” (1993).

Furthermore, Keynes’ observation resonates with research on the relation between income inequality and economic growth. According to a 2014 study by the OECD, income inequality has a “negative and statistically significant effect on medium-term growth” and “in countries like the US, the UK and Italy, overall economic growth would have been six to nine percentage points higher in the past two decades had income inequality not risen” (OECD 2014). Regardless of the exact factors at play in

¹²⁷ This touches on a big debate on the utilitarian literature, namely: *Which* consequences should be taken into account when evaluating the moral quality of a rule (on this, see Kagan 1997, chaps. 2.4. and 5.1.)? Should we consider both direct and indirect consequences? And should we take both foreseeable and unforeseeable consequences into account? Depending on one’s commitments, the importance of the incentive objection being transitional is strengthened.

this complex relation, these data show that reducing economic inequality, which is what MIPS do, is not at odds with productivity and may well promote it.

Second, capping top incomes makes low-paid, but highly utility-promoting jobs (such as care work) relatively more attractive. This may incentivize some people to choose for these jobs rather than what are currently the highest paid jobs. So even if maximum salaries reduce incentives to take up some jobs that greatly contribute to utility, this does not mean that people always switch to less utility-generating jobs. Whether they do is an empirical question, which depends, among other things, on what their motivation was for taking up the initial job. To turn the objection upside down: some utility-promoting activities may not be performed currently precisely because they are not lucrative compared to other activities. An example of this is care work, which is often unpaid or underpaid, but certainly utility promoting.

Third, the incentive objection assumes that the most effective way of stimulating innovation and capital investment is through market incentives. This is not self-evidently true. For example, we can imagine publicly funded innovation schemes in which innovations are not patented. That makes it much easier for companies to build on previous innovations.¹²⁸ There are strong utilitarian arguments in favour of such systems. Additionally, there could be democratic control over which innovations are funded, which potentially benefit those who are worse off. An example of this is the Health Impact Fund. This is a government-funded scheme that aims to incentivize pharmaceutical companies to develop medicines specifically for the global poor.¹²⁹

Let us turn to the second objection to the utilitarian case for MIPS: the indeterminacy objection. According to that objection, all we have shown is that the utilitarian approach is compatible with MIPS. But it may *also* be compatible with a progressive tax system that has no strict cut-off point. So why prefer MIPS over such policies? First, under plausible assumptions about incentive effects from income distribution and consumption, MIPS deserve more credit than they currently receive. As we have argued, it is difficult to see how very high incomes can maximize utility.

¹²⁸ For a defense of the view that the USA's economic success is a result of public and state funded investments in innovation and technology rather than private investments, see Mazzucato (2014).

¹²⁹ See: <https://healthimpactfund.org>.

But ultimately, questions about incentives and alternative policy proposals should be settled by experimentation and observation, and not by philosophical debate alone.

Second, and more importantly, although the indeterminacy objection plausibly holds for absolute MIPs, it does not for relative MIPs. We will argue utilitarianism is *compatible* with aMIPs, but *supports* rMIPs. Let's start with aMIPs in structure. Such policies, as we have pointed out, cap incomes at a level that is not determined directly by the incomes that other people receive. The utilitarian compatibility with aMIPs hinges on what the effects the policy will have below the threshold. If it would lead to many people receiving an income just below the threshold, then utilitarianism would not be compatible with aMIPs in structure: further utility gains could be realized by taking from the rich (those receiving incomes just below the threshold) and giving to the poor. Now, of course, how high the incomes below the maximum income will be, depends, crucially, on what types of tax policies are adopted below the threshold. In light of the responses we have provided to the incentive objection, however, we expect that utilitarianism will, at a certain level of income and combined with a highly progressive system of taxation below the limit, at the very least be *compatible* with aMIPs in structure.

It is even more likely that utilitarianism is compatible with aMIPs *in aim*. The reason is that a progressive system of taxation could also turn out to cap incomes at a certain level. To see this, imagine that if a progressive system of taxation would tax incomes above a certain level at a very high rate (say, 90%), then there is an incentive to reduce one's income in order not to fall in the 90% bracket. If everyone does so, no one will earn an income above the amount at which the 90% bracket begins. In that case, the indeterminacy objection does not hold, because the system of taxation is, actually, an aMIP in aim.

Now, on to relative MIPs: policies that specify the maximum income someone can earn by multiplying a certain income, such as the minimum, median or average wage, by a given factor. It is likely, we think, that utilitarianism *supports* rMIPs in structure and in aim, because these policies only allow the rich to increase their wealth by letting some of it trickle down to the poor. Similar to the discussion about aMIPs, we think that utilitarian case for rMIPs in aim is even stronger than the utilitarian case for rMIPs in structure. The utilitarian support for rMIPs, of course, will depend on both

the income that the maximum income is tied to, and the factor that income is multiplied with. These questions are beyond the scope of this chapter. All we aim to do here, is to suggest that there are some rMIPs, both in structure and in aim, that are supported by utilitarianism.

To conclude, the utilitarian case for limitless incomes fails. Because the marginal utility of income decreases, utilitarianism tends towards more egalitarian distributions. It should, consequently, support policies that reduce the gap between the rich and poor. MIPs are such policies. And hence utilitarianism is compatible with them, and, depending on how one evaluates the relevant empirical facts, in support of them.

5. Desertism

Another popular justification for high incomes is that people deserve them. Some people work much harder and make a much larger productive contribution than others do—and they deserve to be rewarded accordingly. Of the three views we discuss, desert appears to be the most inegalitarian, and hence the least likely to be compatible with MIPs. But is there really a desert-based argument to be made for very high incomes?

Some desert theorists have argued that there is. N. Gregory Mankiw, for instance, has proposed a desert-based defense of the 1 percent. On his ‘just deserts view’, “people should receive compensation congruent with their contributions,” where ‘contribution’ refers to the marginal product of individuals in a “classical competitive equilibrium without any externalities or public goods” (Mankiw 2013, 32).¹³⁰ The marginal product of a worker is the increase in output that results from adding this worker to the production process, holding other factors of production constant. Because many members of the 1 percent make very large marginal contributions, Mankiw argues, their incomes are deserved. On closer examination, however, desertism cannot support this view, or so we will argue.

¹³⁰ Note that Mankiw stresses, rightly so, that these conditions are very demanding and unlikely to obtain in any markets in the real world.

To illustrate the intuitive appeal of the just desert view, Mankiw points out that many people do not object to the high incomes of all members of the 1 percent. They only take issue with the incomes of some of its members. In particular, people object to the incomes of those who (mainly) collect economic rents. For example, bankers, whose salaries are so high because banking licenses restrict entry to and exit from the banking market. And CEOs in certain sectors, who can pressure their boards into giving higher compensation by exploiting information asymmetries.¹³¹ Those collectors of economic rents are not making genuine contributions. In other words, they do not increase the total amount of utility to be distributed. They only change its internal distribution. But people respond differently to the high incomes of members of the 1 percent who *do* make a genuine contribution to society, such as Steve Jobs, J.K. Rowling, and Steven Spielberg (Mankiw 2013, 21). They do, in fact, deserve their very high incomes, because they significantly increase the size of the pie. Consequently, MIPs constitute an injustice towards them.

We admit that there is some intuitive appeal to the examples Mankiw gives in defense of his view. However, upon further reflection, there are many problems with it.¹³² We will focus on the problem that directly bears on whether those sympathetic to desert can support MIPs. The problem is that marginal productivity is not a good measure of productivity, and hence, not a good basis for desert (see, for example, Heath 2018).¹³³ A person's marginal product depends not only on how hard they work and whether they create something that people deem of value, but also, and importantly so, on many factors that are entirely unrelated to their performance. Examples abound here: People's marginal product depends, among other things, on unexpected fluctuations in the price of inputs (such as the oil price), on geopolitical developments (such as Brexit or a tariff war), and on the success of other companies in the same sector.¹³⁴

¹³¹ For more on economic rents and desert, see Mulligan (2018b).

¹³² See, also, Baumann (2014), Heath (2018), Herzog (2018), Lister (2018), and Solow et al. (2014).

¹³³ For further discussion, see Miller (2001), Dekker (2008; 2010), and Hsieh (2000).

¹³⁴ To illustrate, Bivens and Mishel (2013) argue that CEO salaries in the United States fluctuate not with the success of a company relative to its competitors, but with the average share prices of all companies in the sector. For discussion, see Scanlon (2018, chap. 9).

Because of the implausibility of marginal productivity as the sole basis for desert claims on income, many desertists endorse the ‘conventional view’.¹³⁵ The conventional view holds that desert bases, that is, facts about someone which make her deserve something in the morally relevant sense, must be facts about her that she can claim credit for. On the conventional view, performance luck, which is luck that disrupts performances, undermines desert. So if high incomes arise from performance luck, desertists cannot support such incomes (at least not on the basis of *desert*). They hold that we should evaluate who is the most deserving by correcting for the impact of performance disrupting luck.

The conventional view of desert rejects marginal productivity as a plausible desert base. This is because, as we have argued, this measure is significantly affected by performance luck. Proponents of desert have therefore proposed other desert bases for income which *are* compatible with the conventional view. Some argue that people deserve income on the basis of measures of productive contribution other than marginal productivity (such as generated consumer surplus) (Feinberg 1970; Miller 2001), others that they deserve income on the basis of merit (Mulligan 2018a),¹³⁶ (purposeful)¹³⁷ effort (Sadurski 1985; Wolff 2003), the amount of skill and training required for the job in question (Nagel 1979), and/or the onerousness of their job (Sher 1989). Some desertists are monists when it comes to the desert of income, thinking that people deserve income on the grounds of one of these bases (Miller 2001; Feldman 2016, 109–17). Others are pluralists who hold that people deserve income on a combination of these bases (McLeod 1996).¹³⁸

What matters for present purposes is that desert, fundamentally, requires that the income a person receives is proportional to their performance on the desert basis. If we take productivity as desert base, and if Steve Jobs is twenty times as productive

¹³⁵ As Olsaretti calls it, see her (2006, 438).

¹³⁶ On the distinction between desert and merit, see Moriarty (2009).

¹³⁷ Those defending effort as a desert base often stipulate that effort must be exerted in the pursuit of worthwhile aims. If Luke stands on one leg with a teapot on his head for a full day he exerts effort—but not effort in the pursuit of worthwhile aims, or so we think. In establishing what qualifies as purposeful effort, however, similar issues arise as when discussing what counts as a productive contribution.

¹³⁸ On the various positions on the desert of wages, see Moriarty (2005a, 262) and Feldman (2016, 109–17).

as Bill Gates, then Steve should earn twenty times as much as Bill.¹³⁹ Therefore, the question for those defending high incomes on desertist grounds is the following: How many times can a person outperform another on any of the desert bases for income, subject to the conventional view that we must correct for performance disrupting luck?

In some companies in the United States, the ratio between the median earning employee and the highest earning employee is well over 1 to 5,000.¹⁴⁰ For this to be justified on the conventional view, one employee needs to score 5000 times as high on a specific desert basis measure and thus needs to be 5000 times as productive, hardworking, meritorious, and/or trained as others.¹⁴¹ But there seem to be physical and psychological limitations to how many times a person can outperform another on any of the desert bases for income that have been suggested, subject to the conventional view: Would A still do 5,000 times worse than B if A was in the exact same position as B (say, if A was the CEO rather than a factory worker)? This, it seems, is highly implausible.

If it is better if people get what they deserve, it is better that they do not get more than a certain amount of income. Desertism, it seems, supports MIPs. The maximum income threshold depends on one's choice of desert basis and one's estimation of the relative differences on how people score on that, and on what view one takes on the compatibility between luck and desert. But the resulting differences between people will not be limitless, which they should be if desertism is to justify limitless top incomes.

¹³⁹ See Moriarty (2009). The endorsement of a proportionality requirement is one crucial respect in which desert-based views differ from luck egalitarian views. For more discussion of this difference between the two theories, see Olsaretti (2009) and Brouwer and Van der Deijl (2018).

¹⁴⁰ In 2017, CEO Mindy Grossman from Weight Watchers International earned a total of \$33,372,283, which is 5,908 times as much as the median worker (which earned \$6,013) in that company in that year. See <https://aflcio.org/paywatch/company-pay-ratios>.

¹⁴¹ One might object that the conventional view is not committed to the idea that the relation between desert and reward is linear, and instead argue that it is exponential, meaning that someone who deserves 6.000 times as much income as someone else does not have to perform 6.000 times better on any of those desert bases. How a person's performance on a desert base should be transformed into a certain amount of income is decided by the 'desert function'. The conventional view does not say what the desert function should be, and so in that sense the objector is right. However, no proponent of desert we know of defends such an exponential desert function, and for obvious reasons. It allows enormous inequalities in outcomes that run counter to many intuitions people have about desert. For more discussion on desert functions and CEO compensation, see Moriarty (2009).

Defenders of the conventional view arguably support a relatively high MIP, because they do not think that background luck undercuts desert.¹⁴² Background luck is luck that “affects the conditions in which people undertake their performances (rather than disrupting those performances), and includes both the luck of being born with certain talents and traits [...] and the luck of being faced with certain situations or being placed in certain circumstances” (Olsaretti 2006, 440).

Various desertists of a more egalitarian persuasion, however, argue that not only performance luck, but also certain types of background luck undercut desert claims, and, consequently, should endorse lower MIPs.¹⁴³ Olsaretti, for instance, argues that for desert claims on incomes require a fair equality of opportunity to deserve. She claims that “the defensible principle of desert is one which does not make the magnitude of people’s unequal deserts depend on unchosen, and unequally distributed, factors. People may then deserve more or less than others on the basis of the choices they make or the effort they exert, given certain fair background conditions that enable them to make free or voluntary choices, including the choice to exert more or less effort than others” (Olsaretti 2004, 28). Under this conception of fair equality of opportunity, entitlements on the basis of desert cannot rely on background luck such as a person’s IQ. The MIP supported by such a qualified stance on desert and luck sets a lower threshold than the conventional view. The larger the degree to which one thinks luck undercuts desert, the fewer inequalities in income desert can justify. So, this argument actually favors relatively small income ratios.¹⁴⁴

We have, so far, focussed on desert in relation to income from labor. But roughly the same arguments against the claim that people can deserve very high incomes from labor also applies to the claim that people can deserve very high incomes from capital, gifts, and inheritances—the other income sources to which MIPs apply. For example, people cannot personally take credit for the value of their

¹⁴² We think that this is a position that, among others, Mulligan (2018a) is committed to.

¹⁴³ For a helpful overview of the debate, see Olsaretti (2006). Examples of philosophers who endorse views that are more demanding than the conventional view include Arneson (2007), Dekker (2008), Olsaretti (2004, chap. 1; 2008), and Sher (1989).

¹⁴⁴ A more radical view on the compatibility between desert and luck is the sceptical view. On this view, luck undercuts all desert claims on income. This sceptical view is defended by diametrically opposed thinkers, such as Milton Friedman (1962, 165–66) and John Rawls (1999, 89). For discussion of this and other objections Rawls raises against desert as a principle of justice, see Sher (Sher 1989, chap. 2), Moriarty (2005a), Matravers (2011a), and Mulligan (2018a, chap. 7).

stocks, global economic development, and so forth. In fact, in the case of inheritance, an even stronger desert-based argument is possible. There is simply no plausible basis on which people can deserve to inherit any wealth from their parents. Inheritances are not a reward for a productive contribution they made, or effort they exerted, or for a performance on any of the other desert bases of income that have been defended (cf. Dworkin 2000, 347; Rakowski 1991, 159).¹⁴⁵

The desert-based argument for maximum incomes can support all four types of MIPs. Desertism supports MIPs in structure, such as a 100 percent tax on all incomes above a certain amount. The same holds for the broader category of MIPs in aim. As for the distinction between absolute and relative MIPs: we think that desertism can support both. The desertist argument we provided for maximum incomes here was a comparative one and hence fits best with rMIPs: We asked how many times one human being can outperform another on the desert bases we mentioned. We think, however, that it would be possible to make a comparable argument based on how well any human can perform on the desert bases for income—which would be an argument in support of aMIPs.

To conclude, there is a desert-based justification for limits to income. On the conventional view, which holds that people need to be able to take credit for their performance on the basis on which income is distributed, very high incomes are not ‘deserved’. Given that there are limits to how much income people can deserve, limits on income simply follow, and desertism supports MIPs.¹⁴⁶

6. Conclusion

No country currently has the nation-wide types of MIPs we have explored. Some might say that this fact alone is enough reason to reject them. But rather than seeing the absence of MIPs as an objection, this chapter urges us to view their absence in a different light. Rawlsian egalitarianism, utilitarianism, and desertism all support

¹⁴⁵ For a helpful discussion on this topic, see Mulligan (2018a, chap. 8). On luck and inheritance more generally, see Haliday (2018, chap. 4).

¹⁴⁶ One may doubt whether any combination of tax bases can isolate justified from unjustified desert claims, see, for instance, Fried (2000). Our claim is not that the maximum income tracks desert claims perfectly. Rather, the point is that, as a heuristic, the maximum income tracks desert claims better than other proposals, more specifically those regarding top incomes.

certain types of MIPs. Given the widespread support for such views, the absence of MIPs requires an explanation—not one drawing on politics but on normative political theory. And so, the burden of proof is with those who deny that income ceilings must be implemented. More specifically, the challenge is to show why a system without MIPs would be more just than a system having them. The idea of a minimum wage has been resisted for decades in many countries. But nowadays, many countries do have minimum wage policies in place. If there are minima to how much individuals can earn, why not maxima as well?

Chapter 7: Conclusion – open questions

When asked whether some people deserve to be paid more than others, Milton Friedman answered: “I don’t think desert has anything to do with it. Who deserves what? Nobody deserves anything! Thank god that we don’t get what we deserve.”¹⁴⁷ John Rawls (1971, secs. 17 and 48) argued, quite influentially, that the parties negotiating the social contract in the original position would reject desert as a principle of distributive justice. And, finally, G.A. Cohen once remarked about desert that it “is a messy complex thing. We should not want it to form the basis of any social practice.”¹⁴⁸

Despite these influential arguments to the opposite effect, it seems to me that generalized skepticism about desert as a principle of distributive justice is unwarranted. Desert can plausibly play a role within egalitarian theories of distributive justice. What unifies the papers in this PhD is that they contribute to showing that some of the objections that are commonly raised against desert do not apply to all conceptualizations of it. In addition, I have shown that desert can, in fact, plausibly play a limited role within luck egalitarianism and in discussions about just wages.¹⁴⁹

Of course, there are many additional questions that need to be addressed to evaluate more fully what role desert can plausibly play within theorizing about distributive justice. My aim, in this conclusion, is to briefly discuss four important questions for future research on which I have started working already—and I expect to have made further progress on by the time of the PhD defense. The first two are about desert specifically, the next two about desert and luck egalitarianism.

7.1. A compensatory desert argument for unequal pay¹⁵⁰

Can desert ever justify that some people should be paid more than others? Milton Friedman and John Rawls, in many ways diametrically opposed thinkers, both answer

¹⁴⁷ See: <https://www.youtube.com/watch?v=hslpQ7YguGE>, at 2:35.

¹⁴⁸ Unpublished typescript, available on request.

¹⁴⁹ During my PhD, I co-edited a special issue of the Erasmus Journal for Philosophy and Economics on desert and just wages. The contributions by Dekker (2018), Heath (2018), Herzog (2018), Lister (2018), Mulligan (2018b), and Sheffrin (2018) reflect explicitly on the question whether wages can, sometimes, be deserved.

¹⁵⁰ I am co-authoring this paper with Willem van der Deijl.

this question with a resounding ‘no’ —for the same reason, in fact. They think that luck is so pervasive that it undercuts all differential desert claims on incomes.

As Friedman puts it: “most differences in status or position can be regarded as the product of chance at a far enough remove. The man who is hard working and thrifty is to be regarded as ‘deserving’; yet these qualities owe much to the genes he was fortunate (or unfortunate?) enough to inherit” (1962, 165–66). And Rawls says, as I pointed out in chapter 1, that: “We do not deserve our place in the distribution of native endowments, any more than we deserve our initial starting place in society. That we deserve the superior character that enables us to make the effort to cultivate our abilities is also problematic; for such character depends in good part upon fortunate family and social circumstances in early life for which we can claim no credit” (1999, 89).¹⁵¹

In this paper, Willem van der Deijl and I will argue that Friedman and Rawls’s luck challenge to desert can be resisted. In particular, it seems to us that compensatory desert can justify unequal pay. We defend this main claim in three steps. First, we point out that some jobs are more demanding and onerous than others. We then argue that people can deserve income on the basis of how demanding an onerous their jobs are. And, thirdly, we point out that our notion of compensatory desert is not vulnerable to Friedman’s and Rawls’s luck challenge. We defend the notion of compensatory desert we use against a challenge that has been raised against it by Olsaretti (2004, chap. 2).

7.2. Property-owning democracy and desert

Can very large inequalities in the ownership of property be distributively just? The pertinence of this question has grown, following increased awareness of the negative repercussions of growing wealth inequality in many developed economies (Atkinson 2015; Piketty 2014): wealth inequality may undermine procedural fairness (Scanlon 2018, chap. 4) and substantive equality of opportunity (Mulligan 2018b; Scanlon 2018, chap. 5; Thomas 2017), contribute to the furthering of objectionable status hierarchies

¹⁵¹ Note that this is only one of the objections that Rawls raises against desert as a principle of justice. For helpful discussion of Rawls’s argument against desert, see Sher (1989, chap. 2), Moriarty (2005b), Matravers (2007), and Mulligan (2018a, chap. 7).

(Rawls 2001; Scanlon 2018, chap. 3), and even threaten the legitimacy of democratic government (Christiano 2010; Rawls 2001)—among many other concerns. This has induced some to ask whether it is time for a fundamental rethink of the welfare state capitalist system (Edmundson 2017; Thomas 2017).

One idea that is gaining traction in philosophical debates about justice is that of a property-owning democracy—an economic system in which, contrary to the welfare state capitalist system, the ownership of wealth would be widely dispersed (Rawls 2001; also see O’Neill 2009; O’Neill and Williamson 2012; Cheneval and Laszlo 2016). An important concern in these debates is that Rawls’s own principles of justice may not, contrary to what Rawls himself argues, provide reason to support property-owning democracy over welfare state capitalism (cf. Vallier 2015). This has led philosophers to search for alternative normative underpinnings for property-owning democracy schemes.

In the first monograph on property-owning democracy, Alan Thomas (2017) argues that a combination of Rawls’s principles and Roman republicanism would provide a better normative foundation than just Rawls’s principles alone. In that book, he also briefly (2017, 5) remarks that there are parallels between the concerns that motivate defenders of desert and defenders of certain versions of property-owning democracy. In this paper, I argue that desert could provide an alternative normative underpinning for property-owning democracy schemes.

7.3. Human intuition about justice: Desertist or luck egalitarian?¹⁵²

Philosophers who defend desert often mention that the concept seems to play a central role in people’s reasoning about morality. Shelly Kagan, for instance, starts his book on the geometry of desert by pointing out that many people consider themselves to be friends of desert: They think that some people are more deserving than others, and that it is a good thing if people get what they deserve.

The question Thomas Mulligan and I ask in this paper is whether people are indeed as good friends with desert as is commonly believed. More specifically, we are interested in people’s pre-theoretical intuitions about distributive justice. The

¹⁵² I am co-authoring this paper with Thomas Mulligan.

question we take up is: Which distributive theory best fits the empirical evidence on what people believe about justice?

There is a growing interest amongst economists and psychologists in this question. The consensus judgment about justice that emerges from these studies goes something like this: Unequal outcomes are justified when they reflect unequal economic contributions rather than lucky breaks; effort should be rewarded; a safety net should protect the deserving poor but not the imprudent; our economy ought to be responsive to merit.¹⁵³

The reader may recognize that this story, which has some *prima facie* coherence, in fact contains conceptual unclarities (mightn't one's economic contributions be a matter of luck, at least in part?), and involves different underlying normative principles (reward on the basis of effort and reward on the basis of merit are not coextensive).

In this paper, we probe these matters. In particular, we examine, using recent, empirical research,¹⁵⁴ how well luck egalitarianism and desertism—the two normative approaches that *do* seem to cohere with the coarse-grained story—are supported by the empirical literature. The result is surprising. In three quite different contexts in which the demands of luck egalitarianism and desertism diverge, the latter coheres with the empirical evidence and the former does not.

That is, the evidence suggests that human beings across demographic lines may be desertists deep down—not luck egalitarians. While it is certainly true that luck egalitarianism coheres with pre-theoretical intuitions about justice more closely than egalitarianism or libertarianism, it does not seem to do as well as desert.

We believe this project should be of broad interest, for two reasons. First, following Nelson Goodman (1995) and John Rawls (1971), most philosophers—even those who are not pure intuitionists—*do* believe that intuition matters when it comes to our theorizing, *via* the process of reflective equilibrium. Second, in recent years,

¹⁵³ Economists and philosophers who have pointed out this folk consensus about justice, and how different it is from the main theories of justice on offer in the philosophical literature, include Janmaat (2013), Konow and Schwettmann (2016), Miller (2001), Mulligan (2018a), and Sheffrin (2013).

¹⁵⁴ These recent studies include Tinghög, Andersson, and Västfjäll (2017); Mollerstrom, Reme, and Sørensen (2015); Konow (2000); Goya-Tocchetto, Echols, and Wright (2016); Freiman and Nichols (2011); Cappelen, Sørensen, and Tungodden (2010); Almås et al. (2010). Older studies we use include are: Schokkaert and Capeau (1991), and Schokkaert and Overlaet (1989).

many philosophers involved in the “ideal v. non-ideal” debate (which, again, originated in Rawls (1971)) have begun to fret about a gap between (1) our abstract theories (and especially those that have dominated the philosophical debate—*viz.* (Rawlsian) egalitarianism and libertarianism) and (2) public sentiment toward relevant policy (like income/wealth redistribution). For some non-ideal theorists, if this gap is too large (if, *e.g.*, the theory calls for a form of redistribution that is widely resisted) then the theory will not—perhaps *cannot*—be implemented. And this may, indeed, be a defect in the theory itself (see, for instance, Farrelly 2007; Wiens 2015a; 2015b; 2016).

7.4. Desert, luck, and liberal neutrality¹⁵⁵

G.A. Cohen once wrote that “[Ronald] Dworkin has, in effect, performed for egalitarianism the considerable service of incorporating within it the most powerful idea in the arsenal of the anti-egalitarian right: the idea of choice and responsibility” (1989, 933). A common critique of luck egalitarianism, the theory inspired by Dworkin’s work, is that it takes too much from the anti-egalitarian right. Luck egalitarianism is too harsh on those who are responsible for being badly off. More specifically, it is thought to be too harsh, because it does not provide distributive justice reasons for (i) satisfying *basic needs*, and (ii) compensating those who voluntarily make *costly, praiseworthy choices*.

In response, some luck egalitarians have argued that critics wrongfully assume that they subscribe to a contextualist principle of stakes to identify the consequences of voluntary choices. On this principle, people would have to bear *all* the consequences of those choices. However, the luck egalitarian has various alternatives to the contextualist principle of stakes at her disposal, which require people to bear only a subset of those consequences. For instance, only those that people deserve, or only those that would be optimal for people to bear on consequentialist grounds.

As Serena Olsaretti points out, principles of stakes are committed to theories of value: They “presuppose a view of what individuals owe to one another in order to determine the legitimate consequences of choices” (2009, 186). In this paper, Julien

¹⁵⁵ I am co-authoring this paper with Julien Kloeg.

Kloeg and I ask to what extent a commitment to theories of value for identifying the consequences of people's voluntary choices can be reconciled with the liberal commitment to neutrality in justification. Our answer and the main claim of this paper is that luck egalitarianism seems to be faced with a *neutrality dilemma*: It cannot simultaneously be *neutral in justification* and *not harsh*.

References

- Adams, Robert Merrihew. 1985. "Involuntary Sins." *The Philosophical Review* 94 (1): 3–31. <https://doi.org/10.2307/2184713>.
- Adler, Matthew D. 2018. "Prioritarianism: Room for Desert?" *Utilitas* 30 (2): 172–97. <https://doi.org/10.1017/S0953820817000164>.
- Alexander, James. 2017. Review of *Review of Distributive Justice: Getting What We Deserve from Our Country*, by Fred Feldman, January. <https://ndpr.nd.edu/news/distributive-justice-getting-what-we-deserve-from-our-country/>.
- Almås, Ingvild, Alexander W. Cappelen, Erik Ø Sørensen, and Bertil Tungodden. 2010. "Fairness and the Development of Inequality Acceptance." *Science* 328 (5982): 1176–78. <https://doi.org/10.1126/science.1187300>.
- Anderson, Elizabeth S. 1999. "What Is the Point of Equality?" *Ethics* 109 (2): 287–337. <https://doi.org/10.1086/233897>.
- Arneson, Richard J. 1989. "Equality and Equal Opportunity for Welfare." *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 56 (1): 77–93.
- . 2000a. "Luck Egalitarianism and Prioritarianism." *Ethics* 110 (2): 339–49. <https://doi.org/10.1086/233272>.
- . 2000b. "Welfare Should Be the Currency of Justice." *Canadian Journal of Philosophy* 30 (4): 497–524.
- . 2007. "Desert and Equality." In *Egalitarianism: New Essays on the Nature and Value of Equality*, edited by Nils Holtug and Kasper Lippert-Rasmussen, 262–93. Oxford: Clarendon Press.
- . 2011. "Luck Egalitarianism—A Primer." In *Responsibility and Distributive Justice*, 24–50. Oxford: Oxford University Press. <https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199565801.001.0001/acprof-9780199565801-chapter-2>.
- . 2016. "Does Fairness Require a Multidimensional Approach?" In *The Oxford Handbook of Well-Being and Public Policy*, edited by Matthew D. Adler and Marc Fleurbaey, 588–614. Oxford: Oxford University Press.

- <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199325818.001.0001/oxfordhb-9780199325818-e-21>.
- . 2018. "Dworkin and Luck Egalitarianism." In *The Oxford Handbook of Distributive Justice*, edited by Serena Olsaretti, 41–64. Oxford: Oxford University Press.
<https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199645121.001.0001/oxfordhb-9780199645121-e-4>.
- Atkinson, Anthony B. 2015. *Inequality. What Can Be Done?* Cambridge: Harvard University Press.
- Barry, Brian. 1965. *Political Argument*. London: Humanities Press.
- Barry, Nicholas. 2006. "Defending Luck Egalitarianism." *Journal of Applied Philosophy* 23 (1): 89–107.
- Baumann, Peter. 2014. "Defending the One Percent? Poor Arguments for the Rich?" *The Harvard Review of Philosophy* 21: 106–12.
- Bivens, Josh, and Lawrence Mishel. 2013. "The Pay of Corporate Executives and Financial Professionals as Evidence of Rents in Top 1 Percent Incomes." *Journal of Economic Perspectives* 27 (3): 57–78.
- Brouwer, Huub, and Willem van der Deijl. 2017. "Distributive Justice: Getting What We Deserve from Our Country, Fred Feldman . Oxford University Press, 2016, ix + 279 Pages." *Economics & Philosophy* 33 (1): 146–53.
<https://doi.org/10.1017/S0266267116000250>.
- Brouwer, Huub, and Willem van der Deijl. 2018. "Can Desert Solve the Problem of Stakes? A Reply to Olsaretti." *Proceedings of the Aristotelian Society* 118 (3): 399–405. <https://doi.org/10.1093/arisoc/aoy014>.
- Brouwer, Huub, and Thomas Mulligan. 2019. "Why Not Be a Desertist?" *Philosophical Studies* 176 (9): 2271–88. <https://doi.org/10.1007/s11098-018-1125-4>.
- Bruni, Paola. 2017. "The Regulation of Executive Pay in the Public and Semi-Public Sector across the European Union." https://www.eipa.eu/wp-content/uploads/2017/10/Paola_Bruni_Regulation_Executive_Pay_EU.pdf.
- Cappelen, Alexander W., Erik Ø. Sørensen, and Bertil Tungodden. 2010. "Responsibility for What? Fairness and Individual Responsibility." *European*

<https://doi.org/10.1016/j.euroecorev.2009.08.005>.

Celello, Peter. 2009. "Against Desert as a Forward-Looking Concept." *Journal of Applied Philosophy* 26 (2): 144–59. <https://doi.org/10.1111/j.1468-5930.2009.00439.x>.

Cheneval, Francis, and Christoph Laszlo. 2016. "Editorial." *Analyse & Kritik* 35 (1): 1–8. <https://doi.org/10.1515/auk-2013-0102>.

Christiano, Thomas. 2010. "The Uneasy Relationship between Democracy and Capital." *Social Philosophy and Policy* 27 (1): 195–217. <https://doi.org/10.1017/S0265052509990082>.

———. 2012. "Money in Politics." In *The Oxford Handbook of Political Philosophy*, edited by David Schmidtz, 241–57. Oxford: Oxford University Press. <https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780195376692.001.0001/oxfordhb-9780195376692-e-13>.

Cohen, G. A. 1989. "On the Currency of Egalitarian Justice." *Ethics* 99 (4): 906–44. <https://doi.org/10.1086/293126>.

———. 2000. "If You're an Egalitarian, How Come You're so Rich?" *The Journal of Ethics* 4 (1/2): 1–26.

———. 2011. *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy*. Edited by Michael Otsuka. Princeton University Press. <https://princeton.universitypressscholarship.com/view/10.23943/princeton/9780691148700.001.0001/upso-9780691148700-chapter-001>.

Darwin, Charles. 1868. *The Variation of Animals and Plants Under Domestication, Volume 1*. London: John Murray.

Dekker, Teun J. 2008. "Desert and Distributive Efficiency." *Ethics and Economics* 5 (2): 1–23.

———. 2009. "Choices, Consequences and Desert." *Inquiry* 52 (2): 109–26. <https://doi.org/10.1080/00201740902790201>.

———. 2010. "Luck-Neutralization: A Defense." *The Journal of Value Inquiry* 44 (2): 185–98.

———. 2016. "Fred Feldman's Distributive Justice: Getting What We Deserve from Our Country. Oxford: Oxford University Press, 2016, 288 Pp." *Erasmus Journal*

- for *Philosophy and Economics* 9 (2): 208–12.
<https://doi.org/10.23941/ejpe.v9i2.240>.
- . 2018. “Just Wages, Desert, and Pay-What-You-Want Pricing.” *Erasmus Journal for Philosophy and Economics* 11 (2): 144–62.
<https://doi.org/10.23941/ejpe.v11i2.336>.
- Duff, R. A. 2003. *Punishment, Communication, and Community*. Studies in Crime and Public Policy. Oxford, New York: Oxford University Press.
- . 2011. *In Response*. Oxford University Press.
<https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199592814.001.0001/acprof-9780199592814-chapter-19>.
- Dworkin, Ronald. 1981a. “What Is Equality? Part 1: Equality of Welfare.” *Philosophy & Public Affairs* 10 (3).
- . 1981b. “What Is Equality? Part 2: Equality of Resources.” *Philosophy & Public Affairs* 10 (4): 283–345.
- . 2003. “Equality, Luck and Hierarchy.” *Philosophy & Public Affairs* 312 (2): 190–98.
- Dworkin, Ronald M. 2000. *Sovereign Virtue: The Theory and Practice of Equality*. Harvard: Harvard University Press.
- Edmundson, William A. 2017. *John Rawls: Reticent Socialist*. Cambridge University Press.
- Eyal, Nir. 2007. “Egalitarian Justice and Innocent Choice.” *Journal of Ethics & Social Philosophy* 2 (1): 1–18.
- Farrelly, C. 2007. “Justice in Ideal Theory: A Refutation.” *Political Studies* 55: 844–64.
- FBI. 2017. “Clearances.” Crime in the United States. 2017. <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/clearances>.
- Feinberg, Joel. 1970. *Doing and Deserving: Essays in the Theory of Responsibility*. First Edition edition. Princeton, N.J: Princeton University Press.
- Feldman, Fred. 1995. “Desert: Reconsideration of Some Received Wisdom.” *Mind* 104 (413): 63–77. <https://doi.org/10.1093/mind/104.413.63>.
- . 1996. “Responsibility as a Condition for Desert.” *Mind* 105 (417): 165–68.
- . 2016. *Distributive Justice: Getting What We Deserve from Our Country*. Oxford: Oxford University Press.

- Feldman, Fred, and Brad Skow. 2016. "Desert." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Winter 2016. Metaphysics Research Lab, Stanford University.
<https://plato.stanford.edu/archives/win2016/entries/desert/>.
- Fleurbaey, Marc. 1995. "Equal Opportunity or Equal Social Outcome?" *Economics & Philosophy* 11 (1): 25–55. <https://doi.org/10.1017/S0266267100003217>.
- . 2018. "Welfarism, Libertarianism, and Fairness in the Economic Approach to Taxation." In *Taxation: Philosophical Perspectives*, edited by Martin O'Neill and Shepley Orr, 37–59. Oxford: Oxford University Press.
- Frank, Robert H. 2007. *Falling behind: How Rising Inequality Harms the Middle Class*. Berkeley: University of California Press.
- Frankfurt, Harry. 1987. "Equality as a Moral Ideal." *Ethics* 98 (1): 21–43.
- Freiman, Christopher, and Shaun Nichols. 2011. "Is Desert in the Details?" *Philosophy and Phenomenological Research* 82 (1): 121–33.
<https://doi.org/10.1111/j.1933-1592.2010.00387.x>.
- Fried, Barbara. 2000. "Compared to What? Taxing Brute Luck and Other Second-Best Problems." *Tax Law Review* 53: 377–95.
- Friedman, Milton. 1962. *Capitalism and Freedom*. Chicago: University of Chicago Press.
<https://www.press.uchicago.edu/ucp/books/book/chicago/C/bo18146821.html>.
- Gaus, Gerald. 2005. "The Moral Foundations of Liberal Neutrality." In *Contemporary Debates in Political Philosophy*, 81–98. Hoboken, NJ: Wiley.
- Goodin, Robert E. 1985. "Negating Positive Desert Claims." *Political Theory* 13 (4): 575–98. <https://doi.org/10.1177/0090591785013004005>.
- Goodman, Nelson. 1995. *Fact, Fiction, & Forecast*. Cambridge, Mass.: Harvard University Press.
- Goya-Tocchetto, Daniela, Matthew Echols, and Jen Wright. 2016. "The Lottery of Life and Moral Desert: An Empirical Investigation." *Philosophical Psychology* 29 (8): 1112–27. <https://doi.org/10.1080/09515089.2016.1240362>.

- Greenblum, Jake. 2010. "Distributive and Retributive Desert in Rawls." *Journal of Social Philosophy* 41 (2): 169–84. <https://doi.org/10.1111/j.1467-9833.2010.01485.x>.
- Halliday, Daniel. 2018. *The Inheritance of Wealth. Justice, Equality, and the Right to Bequeath*. Oxford: Oxford University Press.
- Heath, Joseph. 2018. "On the Very Idea of a Just Wage." *Erasmus Journal for Philosophy and Economics* 11 (2): 1–33.
- Herzog, Lisa, ed. 2017. *Just Financial Markets?: Finance in a Just Society*. Oxford, New York: Oxford University Press.
- . 2018. "Just Wages in Which Markets?" *Erasmus Journal for Philosophy and Economics* 11 (2): 105–23. <https://doi.org/10.23941/ejpe.v11i2.331>.
- Hirsch, Fred. 1977. *Social Limits to Growth*. Cambridge: Harvard University Press.
- Honig, Bonnie. 1993. *Political Theory and the Displacement of Politics*. Contestations: Cornell Studies in Political Theory. Ithaca, NY: Cornell University Press.
- Hsieh, N.-H. 2000. "Moral Desert, Fairness and Legitimate Expectations in the Market." *Journal of Political Philosophy* 8 (1): 91–114.
- Hurka, Thomas. 2003. "Desert: Individualistic and Holistic." In *Desert and Justice*, edited by Serena Olsaretti, 69–93. Oxford University Press.
- Husak, Douglas. 1992. "Why Punish the Deserving?" *Noûs* 26 (4): 447–64. <https://doi.org/10.2307/2216023>.
- . 2000. "Holistic Retributivism." *California Law Review* 88 (3): 991–1000. <https://doi.org/10.2307/3481203>.
- Janmaat, Jan Germen. 2013. "Subjective Inequality: A Review of International Comparative Studies on People's Views about Inequality." *European Journal of Sociology / Archives Européennes de Sociologie* 54 (3): 357–89. <https://doi.org/10.1017/S0003975613000209>.
- Kagan, Shelly. 1997. *Normative Ethics*. Boulder: Westview Press.
- . 1999. "Equality and Desert." In *What Do We Deserve?: A Reader on Justice and Desert*, edited by Louis P. Pojman and Owen McLeod, 298–314. Oxford: Oxford University Press.
- . 2012. *The Geometry of Desert*. Oxford, New York: Oxford University Press.

- . 2019. *How to Count Animals, More or Less*. Uehiro Series in Practical Ethics. Oxford, New York: Oxford University Press.
- Kershnar, Stephen. 1995. "The Justification of Deserved Punishment Via General Moral Principles." *The Southern Journal of Philosophy* 33 (4): 461–84. <https://doi.org/10.1111/j.2041-6962.1995.tb00755.x>.
- Keynes, John Maynard. 1936. *The General Theory of Employment, Interest, and Money*. London: Palgrave Macmillan.
- Kleinig, John. 1971. "The Concept of Desert." *American Philosophical Quarterly* 8 (1): 71–78.
- Kohn, Alfie. 1993. "Why Incentive Plans Cannot Work." *Harvard Business Review*, September 1, 1993. <https://hbr.org/1993/09/why-incentive-plans-cannot-work>.
- Konow, James. 2000. "Fair Shares: Accountability and Cognitive Dissonance in Allocation Decisions." *The American Economic Review* 90 (4): 1072–91.
- . 2001. "Fair and Square: The Four Sides of Distributive Justice." *Journal of Economic Behavior & Organization* 46 (2): 137–64.
- Konow, James, and Lars Schwettmann. 2016. "The Economics of Justice." In *Handbook of Social Justice Theory and Research*, edited by Clara Sabbagh and Manfred Schmidtt, 83–106. New York: Springer Verlag. https://digitalcommons.lmu.edu/econ_fac/30.
- Kristjánsson, Kristján. 2003. "Justice, Desert, and Virtue Revisited." *Social Theory and Practice* 29 (1): 39–63.
- . 2005. "A Utilitarian Justification of Desert in Distributive Justice." *Journal of Moral Philosophy* 2 (2): 147–70. <https://doi.org/10.1177/1740468105054339>.
- Krugman, Paul. 1994. *The Age of Diminished Expectations*. Third edition. Cambridge, Mass.: MIT Press.
- Kuhn, T.S. 1977. *The Essential Tension*. Chicago: Chicago University Press.
- Leibniz, G.W. 1697. *The Ultimate Origin of Things*. Edited and translated by Jonathan Bennett. Early Modern Texts. <https://www.earlymoderntexts.com/assets/pdfs/leibniz1697b.pdf>.
- Lippert-Rasmussen, Kasper. 2001. "Egalitarianism, Option Luck, and Responsibility." *Ethics* 111 (3): 548–79.

- . 2016. "Desert, Bell Motion, and Fairness." *Criminal Law and Philosophy* 10 (3): 639–55.
- . 2017. *Luck Egalitarianism*. London: Bloomsbury.
- . 2018. "Justice and Bad Luck." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Summer 2018. Metaphysics Research Lab, Stanford University. <https://plato.stanford.edu/archives/sum2018/entries/justice-bad-luck/>.
- Lister, Andrew. 2018. "Wages, Talents, and Egalitarianism." *Erasmus Journal for Philosophy and Economics* 11 (2): 34–56.
- Mankiw, N. Gregory. 2013. "Defending the One Percent." *Journal of Economic Perspectives* 27 (3): 21–34.
- Matravers, Matt. 2007. *Responsibility and Justice*. Wiley.
- . 2011a. "Mad, Bad, or Faulty? Desert in Distributive and Retributive Justice." In *Responsibility and Distributive Justice*, edited by Carl Knight and Zofia Stemplowska, 136–151. Oxford University Press.
- . 2011b. *Is Twenty-First Century Punishment Post-Desert?* Oxford University Press.
- <https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199798278.001.0001/acprof-9780199798278-chapter-2>.
- Mazzucato, Mariana. 2014. *The Entrepreneurial State: Debunking Public vs. Private Sector Myths*. Revised edition. London: Anthem Press.
- McLeod, Owen. 1996. "Desert and Wages." *Utilitas* 8 (2): 205–21.
- . 1998. "Contemporary Interpretations of Desert." In *What Do We Deserve?: A Reader on Justice and Desert*, edited by Louis P. Pojman and Owen McLeod, Contemporary Interpretations of Desert. New York: Oxford University Press.
- <https://philpapers.org/rec/POJWDW>.
- . 2002. "Desert," May. <https://plato.stanford.edu/archives/win2013/entries/desert/>.
- Mill, John Stuart. 1998. *Utilitarianism*. Edited by Roger Crisp. Oxford: Oxford University Press. <https://global.oup.com/ukhe/product/utilitarianism-9780198751632?cc=nl&lang=en&>.

- . 2004. *Principles of Political Economy: With Some of Their Applications to Social Philosophy*. Hackett Pub.
- Miller, David. 2001. *Principles of Social Justice*. Revised edition. Cambridge, Mass.: Harvard University Press.
- . 2003. "Comparative and Non-Comparative Desert." In *Desert and Justice*, edited by Serena Olsaretti, 25–44. Oxford University Press.
- Mills, Eugene. 2004. "Scheffler on Rawls, Justice, and Desert." *Law and Philosophy* 23 (3): 261–72. <https://doi.org/10.1023/B:LAPH.0000014570.16864.5e>.
- Mollerstrom, Johanna, Bjørn-Atle Reme, and Erik Ø. Sørensen. 2015. "Luck, Choice and Responsibility — An Experimental Study of Fairness Views." *Journal of Public Economics* 131 (November): 33–40. <https://doi.org/10.1016/j.jpubeco.2015.08.010>.
- Moore, Michael S. 2010. *Placing Blame: A Theory of the Criminal Law*. Oxford University Press. <https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199599493.001.0001/acprof-9780199599493>.
- Moriarty, Jeffrey. 2003. "Against the Asymmetry of Desert." *Noûs* 37 (3): 518–36.
- . 2005a. "Do CEOs Get Paid Too Much?" *Business Ethics Quarterly* 15 (2): 257–81.
- . 2005b. "The Epistemological Argument against Desert." *Utilitas* 17 (2): 205–21. <https://doi.org/10.1017/S0953820805001524>.
- . 2008. "Deserving Jobs, Deserving Wages." In *Normative Theory and Business Ethics*, edited by Jeffery D. Smith, 119–46. Rowman & Littlefield Publishers.
- . 2009. "How Much Compensation Can CEOs Permissibly Accept?" *Business Ethics Quarterly* 19 (2): 235–50.
- . 2013. "Smilansky, Arneson, and the Asymmetry of Desert." *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 162 (3): 537–45.
- . 2018. "Desert-Based Justice." In *The Oxford Handbook of Distributive Justice*, edited by Serena Olsaretti, 156–73. Oxford: Oxford University Press.
- Mulligan, Thomas. 2018a. *Justice and the Meritocratic State*. New York: Routledge.

- . 2018b. “Do People Deserve Their Economic Rents?” *Erasmus Journal for Philosophy and Economics* 11 (2): 163–90. <https://doi.org/10.23941/ejpe.v11i2.338>.
- Nagel, Thomas. 1979. *The Possibility of Altruism*. Princeton: Princeton University Press.
- Nozick, Robert. 1974. *Anarchy, State, and Utopia*. Basic Books.
- OECD. 2014. “Trends in Income Inequality and Its Impact on Economic Growth | READ Online.” OECD ILibrary. 2014. https://read.oecd-ilibrary.org/social-issues-migration-health/trends-in-income-inequality-and-its-impact-on-economic-growth_5jxrjncwxv6j-en.
- Olsaretti, Serena, ed. 2003a. *Desert and Justice*. Mind Association Occasional Series. Oxford, New York: Oxford University Press.
- . 2003b. “Introduction: Debating Desert and Justice.” In *Desert and Justice*, edited by Serena Olsaretti, 1–24. Mind Association Occasional Series. Oxford, New York: Oxford University Press.
- . 2004. *Liberty, Desert and the Market*. Cambridge: Cambridge University Press.
- . 2006. “Justice, Luck and Desert.” In *The Oxford Handbook of Political Science*, edited by John S. Dryzek, Bonnie Honig, and Anne Philips, 436–49. Oxford: Oxford University Press.
- . 2008. “Justice, Luck, and Desert.” *The Oxford Handbook of Political Theory*, June. <https://doi.org/10.1093/oxfordhb/9780199548439.003.0024>.
- . 2009. “IX—Responsibility and the Consequences of Choice.” *Proceedings of the Aristotelian Society* 109 (1pt2): 165–88. <https://doi.org/10.1111/j.1467-9264.2009.00263.x>.
- O’Neill, Martin. 2009. “Liberty, Equality and Property-Owning Democracy.” *Journal of Social Philosophy* 40 (3): 379–96.
- O’Neill, Martin, and Thad Williamson, eds. 2012. *Property-Owning Democracy: Rawls and Beyond*. 1 edition. Malden, MA: Wiley-Blackwell.
- Parfit, Derek. 1986. *Reasons and Persons*. Oxford University Press.
- . 1997. “Equality and Priority.” *Ratio* 10 (3): 202–21. <https://doi.org/10.1111/1467-9329.00041>.

- Pereboom, Derk. 2005. "Defending Hard Incompatibilism." *Midwest Studies In Philosophy* 29 (1): 228–47. <https://doi.org/10.1111/j.1475-4975.2005.00114.x>.
- Piketty, Thomas. 2014. *Capital in the Twenty-First Century*. Harvard University Press.
- Pojman, Louis P., and Owen McLeod, eds. 1998. *What Do We Deserve?: A Reader on Justice and Desert*. Oxford, New York: Oxford University Press. <https://philpapers.org/rec/POJWDW>.
- Prescott, Edward. 2004. "Why Do Americans Work so Much More than Europeans?" *FRB Minneapolis - Quarterly Review* 28 (1): 2–14.
- Quong, Jonathan. 2011. *Liberalism Without Perfection*. Oxford: Oxford University Press.
- Rachels, James. 1978. "What People Deserve." In *Justice and Economic Distribution*, edited by J. Arthur and W.H. Shaw. Englewood Cliffs: Prentice-Hall.
- . 1997. *Can Ethics Provide Answers?: And Other Essays in Moral Philosophy*. Rowman & Littlefield.
- Rakowski, Eric. 1991. *Equal Justice*. New York: Oxford University Press.
- Rawls, John. 1971. *A Theory of Justice*. Cambridge, Mass.: Belknap Press of Harvard University Press.
- . 1993. *Political Liberalism*. New York: Columbia University Press.
- . 1999. *A Theory of Justice*. Oxford University Press.
- . 2001. *Justice as Fairness: A Restatement*. Harvard University Press.
- Robeyns, Ingrid. 2017. "Having Too Much." In *NOMOS LVI: Wealth. Yearbook of the American Society for Political and Legal Philosophy*, edited by Jack Knight and Melissa Schwartzberg. Rochester, NY: Social Science Research Network. <https://papers.ssrn.com/abstract=2736094>.
- Roemer, John E. 2000. *Equality of Opportunity*. Cambridge, Mass.: Harvard University Press.
- Rogerson, Richard. 2007. "Taxation and Market Work: Is Scandinavia an Outlier?" *Economic Theory* 32 (1): 59–85.
- Sadurski, Wojciech. 1985. *Giving Desert Its Due: Social Justice and Legal Theory*. Law and Philosophy Library. Springer Netherlands.

- Saez, Emmanuel. 2016. "Striking It Richer: The Evolution of Top Incomes in the United States (Updated with 2015 Preliminary Estimates)." <https://eml.berkeley.edu/~saez/saez-UStopincomes-2015.pdf>.
- Sandel, Michael J. 1998. *Liberalism and the Limits of Justice*. Cambridge, Mass.: Cambridge University Press.
- Scanlon, Thomas. 1986. "The Significance of Choice." *The Tanner Lectures on Human Values*. <https://dash.harvard.edu/handle/1/3200667>.
- . 1998. *What We Owe to Each Other*. Cambridge, Mass.: Harvard University Press.
- . 2018. *Why Does Inequality Matter?* Uehiro Series in Practical Ethics. Oxford: Oxford University Press.
- Scheffler, Samuel. 2000. "Justice and Desert in Liberal Theory." *California Law Review* 88 (3): 965–90.
- . 2003a. "Distributive Justice and Economic Desert." In *Desert and Justice*, edited by Serena Olsaretti, 69–92. Oxford: Oxford University Press.
- . 2003b. "What Is Egalitarianism?" *Philosophy & Public Affairs* 31 (1): 5–39.
- . 2003c. "What Is Egalitarianism?" *Philosophy & Public Affairs* 31 (1): 5–39.
- Schmidtz, David. 2002. "How to Deserve." *Political Theory* 30 (6): 774–99.
- . 2006. *The Elements of Justice*. Cambridge ; New York: Cambridge University Press.
- Schneider, Michael. 2007. "The Nature, History and Significance of the Concept of Positional Goods." *History of Economics Review* 45 (1): 60–81.
- Schokkaert, Erik, and Bart Capeau. 1991. "Interindividual Differences in Opinions about Distributive Justice." *Kyklos* 44 (3): 325–45. <https://doi.org/10.1111/j.1467-6435.1991.tb01758.x>.
- Schokkaert, Erik, and Bart Overlaet. 1989. "Moral Intuitions and Economic Models of Distributive Justice." *Social Choice and Welfare* 6 (1): 19–31.
- Sen, Amartya. 1995. *Inequality Reexamined*. Oxford University Press.
- Shafer-Landau, Russ. 1996. "The Failure of Retributivism." *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 82 (3): 289–316.
- Sheffrin, Steven M. 2013. *Tax Fairness and Folk Justice*. Cambridge University Press.

- . 2018. "The Domain of Desert Principles for Taxation." *Erasmus Journal for Philosophy and Economics* 11 (2): 220–44.
<https://doi.org/10.23941/ejpe.v11i2.327>.
- Sher, George. 1989. *Desert*. Princeton: Princeton University Press.
- Shlomi, Segall. 2010. *Health, Luck, and Justice*. Princeton: Princeton University Press.
- . 2015. "What's So Egalitarian About Luck Egalitarianism?" *Ratio* 28 (3): 349–68.
- Sidgwick, Henry. 1981. *The Methods of Ethics*. Cambridge: Hackett Publishing.
- Sie, M.M.S.K., and Derk Pereboom. 2016. *Basic Desert, Reactive Attitudes, and Free Will*. New York: Routledge.
- Smilansky, Saul. 1996a. "Responsibility and Desert: Defending the Connection." *Mind* 105 (417): 157–63.
- . 1996b. "The Connection Between Responsibility and Desert: The Crucial Distinction." *Mind* 105 (419): 485–486.
<https://doi.org/10.1093/mind/105.419.485>.
- . 2006. "Control, Desert and the Difference between Distributive and Retributive Justice." *Philosophical Studies* 131 (3): 511–24.
<https://doi.org/10.1007/s11098-004-7486-x>.
- Smith, Adam. 1776. *An Inquiry into the Nature and Causes of the Wealth of Nations*. London: W. Strahan and T. Cadell.
- Solow, Robert, N. Gregory Mankiw, Richard V. Burkhauser, and Jeff Larrimore. 2014. "Correspondence: The One Percent." *Journal of Economic Perspectives* 28 (1): 243–48.
- Stemplowska, Zofia. 2009. "Making Justice Sensitive to Responsibility." *Political Studies* 57 (2): 237–59.
- Strawson, P. F. 2008. *Freedom and Resentment and Other Essays*. Routledge.
- Tadros, Victor. 2011. *The Ends of Harm: The Moral Foundations of Criminal Law*. Oxford University Press.
<https://www.oxfordscholarship.com/view/10.1093/acprof:oso/9780199554423.001.0001/acprof-9780199554423>.
- . 2017. "Moving Mountains: Variations on a Theme by Shelly Kagan." *Criminal Law and Philosophy* 11 (2): 393–504.

- Tan, K.-C. 2008. "A Defense of Luck Egalitarianism." *Journal of Political Philosophy* 105 (11): 665–90.
- Temkin, Larry. 1993. *Inequality*. New York: Oxford University Press.
- . 2003. "Equality, Priority or What?" *Economics & Philosophy* 19 (1): 61–87.
- . 2011. "Justice, Equality, Fairness, Desert, Rights, Free Will, Responsibility, and Luck." In *Responsibility and Distributive Justice*, edited by Carl Knight and Zofia Stemplowska, 51–77. Oxford: Oxford University Press.
- . 2017. "Equality as Comparative Fairness." *Journal of Applied Philosophy* 34 (1): 43–60. <https://doi.org/10.1111/japp.12140>.
- Thomas, Alan. 2017. *Republic of Equals: Predistribution and Property-Owning Democracy*. Oxford University Press.
- Timmer, Dick. 2018. "Defending the Democratic Argument for Limitarianism: A Reply to Volacu and Dumitru." *Philosophia*, October. <https://doi.org/10.1007/s11406-018-0030-6>.
- Tinghög, Gustav, David Andersson, and Daniel Västfjäll. 2017. "Are Individuals Luck Egalitarians? - An Experiment on the Influence of Brute and Option Luck on Social Preferences." *Frontiers in Psychology* 8: 460. <https://doi.org/10.3389/fpsyg.2017.00460>.
- Vallentyne, Peter. 2002. "Brute Luck, Option Luck, and Equality of Initial Opportunities." *Ethics* 112 (3): 529–57.
- . 2005. "Debate: Capabilities versus Opportunities for Well-Being*." *Journal of Political Philosophy* 13 (3): 359–71. <https://doi.org/10.1111/j.1467-9760.2005.00227.x>.
- Vallier, Kevin. 2015. "A Moral and Economic Critique of the New Property-Owning Democrats: On Behalf of a Rawlsian Welfare State." *Philosophical Studies* 172 (2): 283–304.
- Van Parijs, Philippe. 2003. "Difference Principles." In *The Cambridge Companion to John Rawls*, edited by Samuel Freeman, 200–240. Cambridge: Cambridge University Press.
- Voigt, Kirstin. 2007. "The Harshness Objection: Is Luck Egalitarianism Too Harsh on the Victims of Option Luck?" *Ethical Theory and Moral Practice* 10 (4): 389–407.

- Volacu, Alexandru, and Adelin Costin Dumitru. 2019. "Assessing Non-Intrinsic Limitarianism." *Philosophia* 47 (1): 249–64.
- Walzer, Michael. 1983. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books.
- Wiens, David. 2015a. "Against Ideal Guidance." *Journal of Politics* 77: 433–46.
- . 2015b. "Political Ideals and the Feasibility Frontier." *Economics & Philosophy* 31: 447–77.
- . 2016. "Motivational Limitations on the Demands of Justice." *European Journal of Political Theory* 15: 333–52.
- Williamson, Thad. 2013. "Constitutionalizing Property-Owning Democracy." *The Good Society* 22 (1): 74–90.
- Wolff, Jonathan. 1998. "Fairness, Respect, and the Egalitarian Ethos." *Philosophy & Public Affairs* 27 (2): 97–122.
- . 2003. "The Dilemma of Desert." In *Desert and Justice*, edited by Serena Olsaretti, 219–32. Oxford University Press. <http://discovery.ucl.ac.uk/92440/>.
- . 2010. "Fairness, Respect and the Egalitarian Ethos Revisited." *The Journal of Ethics* 14 (3): 335–50. <https://doi.org/10.1007/s10892-010-9085-8>.
- Zimmerman, M. J. 1993. "Luck and Moral Responsibility." In *Moral Luck*, edited by D. Statman, 217–34. Albany: Suny Press.

Chapter summaries

Chapter 2: Defending asymmetries of desert?

Is it defensible to hold that desert should play a (very) different role in distributive and in retributive justice? Samuel Scheffler, Saul Smilansky, and Jeffrey Moriarty have all argued that it is. Their defenses, however, have either been criticized, or only hold for weak asymmetries of desert—in which desert plays some role in both distributive justice and in retributive justice, but a more central role in the latter. These defenses do not support strong asymmetries, in which desert plays no role in distributive justice, but a central role in retributive justice. In this chapter, I defend two main claims about asymmetries of desert. First, I argue that some recent defenders of desert-based theories of distributive justice may actually be interested in defending asymmetries that go the other way: in which desert plays a more central role in distributive justice rather than in retributive justice. Second, I argue that strong asymmetries in both directions can be defended. Those who are sympathetic to strong asymmetries of desert have no reasons to revise their thinking radically, as Smilansky feared there might be.

Chapter 3: When, if ever, is desert forward-looking?

The received wisdom about desert is that desert claims are, always, backward-looking. Fred Feldman (1995) was the first to challenge this received wisdom. He argues that people can deserve compensation on the basis of their future acts and suffering. There have been two main responses to Feldman's challenge. The first is to resist it, and argue that desert really is a backward-looking notion (Kristjánsson 2005; Celello 2009). The second is to build on Feldman's suggestion that desert may sometimes be forward-looking, and propose a more elaborate account of forward-looking desert (Kristjánsson 2005; Celello 2009). In this chapter, I argue that desert is forward-looking for a wider range of objects and bases than has been considered so far. To make this claim, I proceed in three steps. First, I introduce Feldman's argument for the forward-looking desert of compensation and argue that criticisms that have been raised against it can be resisted. Secondly, I argue that the not just the desert of compensation, but also chances, praise, and rewards can, sometimes, be forward-

looking. I, thirdly, argue that, all else equal, it is better that people get what they deserve when they deserve it.

Chapter 4: Why not be a desertist? Three arguments for desert and against luck egalitarianism

Many philosophers believe that luck egalitarianism captures “desert-like” intuitions about justice. Some even think that luck egalitarianism distributes goods in accordance with desert. In this chapter, we argue that this is wrong. Desertism conflicts with luck egalitarianism in three important contexts, and, in these contexts, desertism renders the proper moral judgment. First, compared to desertism, luck egalitarianism is sometimes too stingy: It fails to justly compensate people for their socially valuable contributions—when those contributions arose from “option luck”. Second, luck egalitarianism is sometimes too restrictive: It fails to justly compensate people who make a social contribution when that contribution arose from “brute luck”. Third, luck egalitarianism is too limited in scope: It cannot diagnose economic injustice arising independently of comparative levels of justice. The lesson of this chapter is that luck egalitarians should consider supplementing their theory with desert considerations.

Chapter 5: Can desert solve the problem of stakes? A reply to Olsaretti.

Serena Olsaretti argues that desert cannot serve as a plausible principle of stakes for luck egalitarianism. In this short chapter, we defend the claim that she is too pessimistic about this by introducing a simple, but plausible, desert-based account of stakes that is immune to her argument.

Chapter 6: Earning too much: The case for maximum incomes

What, if anything, can justify a maximum income? Despite some common objections against maximum income policies, we will argue that Rawlsian egalitarianism, utilitarianism, and desertism—three prominent approaches to taxation and justice in contemporary political philosophy—support them. We argue that all three approaches support relative maximum income policies, whereas desertism also supports absolute maximum income policies. Convergence of those very different

theories on support for maximum income policies strengthens, in our view, the case for such policies. And given this support for such policies, their absence in discussions in contemporary political philosophy requires an explanation—not one drawing on politics but on normative political theory. The burden of proof is with those who deny that income ceilings must be implemented.

Samenvatting

In filosofische discussies over de rechtvaardige verdeling van inkomen en vermogen speelt verdienste nauwelijks meer een rol. Dat is opvallend. Uit onderzoek blijkt namelijk dat verdienste wel een centrale rol speelt in hoe de spreekwoordelijke ‘persoon op straat’ daarover denkt. Verdienste is overal: op de werkvloer, op het voetbalveld en in de rechtszaal. Let er maar eens op: Het is moeilijk om een dag door het leven te gaan en het werkwoord ‘verdienen’ niet te gebruiken.

We zeggen, bijvoorbeeld, dat Willem een mooi salaris verdient omdat hij zo hard werkt. Dat Rozemarijn erkenning verdient omdat ze de buurvrouw uit haar brandende huis heeft gered. Dat Dick straf verdient omdat hij een winkeldiefstal heeft gepleegd. En dat Lydia een doctorstitel verdient omdat ze haar proefschrift uitstekend verdedigd heeft. Mensen zijn, zoals Shelly Kagan het mooi omschrijft, ‘vrienden van verdienste’: ze denken dat sommige mensen meer verdienen dan anderen, en dat het goed is als mensen krijgen wat ze verdienen.

Verdienste nader bekeken

Maar wat bedoelen we nu eigenlijk als we zeggen dat iemand iets verdient? Om beter grip op die vraag te krijgen is het volgende voorbeeld, van de al eerdergenoemde Shelly Kagan, behulpzaam. Stel er is een explosie geweest in een fabriek. Twee fabrieksmedewerkers, Amos en Boris, zijn gewond geraakt. Je kunt maar één van hen helpen, bijvoorbeeld omdat je maar één pijnstiller hebt. Wie kies je? Zonder enige andere informatie lijkt het antwoord eenvoudig: gooi een munt op. Amos en Boris lijken het allebei immers evenzeer te verdienen dat ze geholpen worden.

Maar stel nu dat we wat meer informatie krijgen. Boris heeft de explosie veroorzaakt. En niet alleen dat: hij heeft dat ook nog eens expres gedaan—bijvoorbeeld omdat hij nog steeds gefrustreerd is over een ruzie die hij de avond daarvoor had met zijn man. Wie moet je, gegeven deze nieuwe informatie, helpen? Het antwoord lijkt nu: Amos moet nu als eerste geholpen worden, omdat Boris het ongeluk expres heeft veroorzaakt. Boris verdient het niet langer om als eerste geholpen te worden. Het zou daarom moreel onjuist zijn om Boris in plaats van Amos te helen.

Hier stuiten we op een belangrijk eigenschap van het begrip verdienste: De bewering dat iemand iets verdient, komt erop neer dat er een morele balans verstoord zou zijn als iemand niet krijgt wat hij of zij verdient. Door het ongeluk in de fabriek te veroorzaken, heeft Boris een morele balans verstoord. Door hem niet als eerste te helpen, zetten we een stap in het herstellen van die balans. Maar dit alles leidt weer tot een boel nieuwe vragen: Wanneer weten we precies dat een morele balans verstoord is? Wat zijn goede manieren om de balans te herstellen? Om een antwoord op die vragen te vinden, is het behulpzaam om nog iets preciezer te worden over wat het nu betekent om te beweren dat iemand iets verdient.

De bewering dat iemand iets verdient bestaat altijd, in ieder geval impliciet, uit drie onderdelen. We zeggen dat iemand (het verdienste onderwerp) een reactie, behandeling, of goed verdient (het verdienste object) omwille van een bepaalde reden (de verdienste grond). Dit helpt om te zien hoe dat idee van morele balans precies werkt: om te bepalen of er morele balans is, dient de relatie tussen het verdienste object en de verdienste grond passend te zijn. Als we Boris (het verdienste onderwerp) als eerste helpen (het verdienste object) omdat hij expres het ongeluk in de fabriek heeft veroorzaakt (de verdienste grond), dan is die relatie niet passend. Als we Amos (het verdienste onderwerp) als eerste helpen (het verdienste object) omdat hij, in tegenstelling tot Boris, het ongeluk in de fabriek niet heeft veroorzaakt (de verdienste grond), dan is die relatie wel passend.

Twee verdienste dogma's

Een groot deel van de filosofische literatuur gaat over de vraag wanneer het verdienste object en de verdienste grond wél bij elkaar passen. Wat voor en hoeveel beloning zou Willem precies moeten krijgen voor zijn harde werk? Wat voor en hoeveel beloning zou Rozemarijn moeten krijgen voor haar heldhaftige reddingsactie? En wat voor en hoeveel straf zou Dick moeten krijgen voor zijn winkeldiefstal? Veel filosofen nemen, in het beantwoorden van deze vragen, twee dingen aan die ik in mijn proefschrift betwist: (1) dat verdienste en verantwoordelijkheid altijd zeer nauw met elkaar verweven zijn en dat (2) je uitsluitend kunt verdienen op basis van je eigenschappen en/of handelen in het verleden en het heden—nooit op basis van je eigenschappen en/of handelingen in de toekomst.

Samenvatting

Er is goede reden om te denken dat verdienste en verantwoordelijkheid *soms* met elkaar verbonden zijn. Neem onze hardwerkende Willem: stel nu dat hij alleen maar zo hard werkt omdat hij doping gebruikt. Zou hij dan nog steeds een mooi salaris verdienen voor zijn harde werk? Dat lijkt niet zo te zijn. Willem is immers niet helemaal verantwoordelijk te houden voor zijn harde werk. Om een hoger salaris te verdienen dan anderen op basis van het feit dat je beter presteert, dien je er verantwoordelijk voor te zijn dat je beter presteert. Dit is nog duidelijker in het geval van straf: stel dat Dick geestesziek is en uitsluitend daardoor de winkeldiefstal heeft gepleegd. Dan verdient hij geen straf, hij is immers ontoerekeningsvatbaar. Het kan natuurlijk nog steeds beter zijn voor Dick en de samenleving om hem bijvoorbeeld zijn vrijheid te ontnemen, maar een straf *verdienen* doet hij niet. Verdienste vereist in deze gevallen verantwoordelijkheid.

Maar er zijn ook gevallen waarin het juist niet zo aannemelijk is om te denken dat verdienste verantwoordelijkheid vereist. Neem het volgende, licht aangepaste voorbeeld van filosoof Fred Feldman: de kok van vegetarisch restaurant Burgertrut heeft zijn groenteburgers niet in de koelkast gedaan toen hij het restaurant verliet. De burgers bederven die nacht, maar de souschef die de volgende dag voor hem invalt heeft niets door. Hij bakt de burgers iets te licht en serveert ze uit. Veel mensen die bij Burgertrut eten die avond lopen een voedselvergiftiging op. Het lijkt erop dat de mensen die een voedselvergiftiging hebben opgelopen op zijn minst excuses verdienen van Burgertrut en misschien zelfs compensatie. En dat terwijl ze niet verantwoordelijk zijn voor het feit dat ze een voedselvergiftiging hebben opgelopen. Verdienste vereist soms juist geen verantwoordelijkheid.

Ik beargumenteer in mijn proefschrift dat wanneer verdienste precies verantwoordelijkheid vereist afhangt van twee dingen: de vraag of het verdienste object ongelijk verdeeld wordt en de keuze van de verdienstegrond. Als het verdienste object gelijk verdeeld wordt—dus, als niemand meer krijgt dan een ander—dan maakt het niet zoveel uit of mensen nu verantwoordelijk zijn voor de verdienstegrond of niet. Als iedereen bijvoorbeeld een AOW-uitkering verdient op basis van het feit dat ze ouder zijn dan 66 jaar en 4 maanden—dan is het zinloos om te vragen of ze daarvoor verantwoordelijk zijn. Je hebt geen controle over je leeftijd. Datzelfde geldt, zoals Fred Feldman heeft beargumenteerd, soms voor het verdienen van compensatie: kinderen

die erg ziek zijn, kunnen het verdienen om een door hen diepgekoesterde wens vervuld te krijgen door de *Make-a-Wish foundation*. Maar die kinderen zijn met geen mogelijkheid verantwoordelijk te houden voor het feit dat ze ziek worden! Verdienste en verantwoordelijkheid zijn niet altijd nauw met elkaar verweven.

Dat brengt me bij het tweede verdienste dogma: het idee dat je uitsluitend kunt verdienen op basis van je eigenschappen en/of handelen in het verleden en het heden—nooit op basis van je eigenschappen en/of handelingen in de toekomst. Verdienste kijkt, volgens dit dogma, achteruit, niet vooruit. Dit is voor sommige verdienste objecten zeer aannemelijk: neem het verdienen van straf. Als verdienste vooruit zou kijken, dan zouden we Dick, onze winkeldief, nu al mogen straffen voor het feit dat hij in de toekomst een misdaad gaat plegen. Dat is problematisch: Dick zou immers op het (aller)laatste moment kunnen besluiten om alsnog de misdaad niet te plegen. Als dat zo is, zouden we hem onterecht straffen! Dat is erg, vooral omdat straffen bestaat uit het bewust toebrengen van lijden in anderen. Alleen al om deze reden is het waarschijnlijk dat we mensen nooit mogen straffen op basis van dingen die ze in de toekomst gaan doen.

Maar verdienste kijkt soms wél vooruit. Stel je voor dat je niet één, maar twee zieke kinderen hebt: Charlie en Susanne. Hoewel ze nu even ziek zijn, is er een enorm verschil in de vooruitzichten voor beide kinderen. Charlie zal volledig herstellen, terwijl Susanne helaas zal komen te overlijden. Tragisch genoeg zit de *Make-a-Wish foundation* wat krap bij de kas: het is onmogelijk om de wensen van Charlie en Susanne allebei te vervullen. De wens van slechts één van de twee kinderen kan worden vervuld. Wie moeten we kiezen? Het antwoord lijkt duidelijk: Susanne, omdat zij, naar alle waarschijnlijkheid, uiteindelijk zal komen te overlijden en Charlie niet. Er is een minieme kans dat we ernaast zullen zitten. Misschien overleeft Susanne haar ziekte wel, net als Charlie. Maar ten onterechte de wensen van iemand vervullen is een stuk minder problematisch dan iemand onterecht lijden toebrengen. Hoe zeker we moeten zijn van onze zaak hangt af van wat we aan het verdelen zijn. Soms hangt wat mensen verdienen daarom niet uitsluitend af van hun eigenschappen en/of handelen in het verleden en het heden, maar ook van hun eigenschappen en/of handelen in de toekomst.

Resume

Als verdienste soms vooruitkijkt, kunnen we het concept gebruiken voor allerlei discussies waar het nog niet in gebruikt wordt. Neem discussies over orgaandonatie. Zou iemand die voor haar dood besluit om haar organen te doneren daarvoor nu al compensatie kunnen verdienen, bijvoorbeeld door haar voorrang te geven als ze zelf organen nodig heeft? Zouden toekomstige generaties compensatie kunnen verdienen voor de immense schade die wij het klimaat aan het toebrengen zijn? Ik zou vooral die tweede vraag met een voorzichtig ja willen beantwoorden, maar dat is een onderwerp voor meer toekomstig onderzoek.

De bijdrage van dit proefschrift

Dit proefschrift bestaat uit vijf artikelen. De rode draad door die artikelen is dat ik probeer om te laten zien dat (i) verdienste een complexer begrip is dan vaak gedacht wordt, (ii) niet alle bezwaren die filosofen hebben tegen verdienste gelden voor alle concepties van verdienste, en dat (iii) verdienste een belangrijke groep theorieën in het filosofische debat over rechtvaardigheid, het ‘toevalsegalitarisme’, kan helpen om bezwaren tegen hun theorieën te accommoderen. In dat project speelt het ontkennen van de twee dogma’s die ik hierboven beschreven heb een belangrijke rol. Mijn hoop is dat ik met dit proefschrift kan bijdragen aan een rehabilitatie van het concept verdienste in discussies over een rechtvaardige verdeling van inkomen en welvaart. Het is opmerkelijk dat een concept dat zo’n centrale rol speelt in de rechtvaardigheidsintuïties van mensen, maar zo’n beperkte rol speelt in filosofische discussies over rechtvaardigheid. Ik denk dat, in dit geval, de ‘persoon op straat’ weleens meer gelijk zou kunnen hebben dan filosofen denken.

Resume

HUUB BROUWER

RESEARCH INTERESTS

AoS: Political Philosophy, Ethics of Markets

AoC: Normative Ethics, Applied Ethics

Resume

ACADEMIC POSITIONS

Post-doctoral Fellow (1 FTE—0,9 research, 0,1 teaching) 09/2019 - present

Member of the research project “Private Property and Political Power in a Liberal-Democratic Society” led by Rutger Claassen.
Department of Philosophy and Religious Studies, Utrecht University, NLD.

PhD Candidate (1 FTE—0,8 research, 0,2 teaching) 04/2017 - 08/2019

Tilburg Center for Logic, Ethics, and Philosophy of Science (TiLPS), Tilburg University, NLD.

Funded position till: 31/03/2020. PhD approved: 31/07/2019.

Supervisors: Maureen Sie, Serena Olsaretti, Bart Engelen.

Examiners: Wim Dubbink, Anca Gheaus, Jeffrey Moriarty, Ingrid Robeyns.

PhD Candidate (0,8 FTE—0,4 research, 0,2 teaching, 0,2 admin) 12/2015 - 03/2017

Erasmus Institute for Philosophy and Economics (EIPE),
Erasmus University Rotterdam (EUR), NLD.

VISITING POSITIONS

Worcester College and Department of Politics and International Relations, Oxford University, GBR. Host: Zofia Stemplowska. 01/2020 - 03/2020

Department of Philosophy, Yale University, USA. Host: Shelly Kagan. 09/2018 - 12/2018

Department of Law, Pompeu Fabra University, SPA. Host: Serena Olsaretti. 09/2016 - 12/2016

EDUCATION

MA Philosophy & Economics 09/2013 - 08/2015

EIPE, EUR, NLD

Average grade: 8.5/10.0 (*cum laude*). Specialization: Political Philosophy.

MSc Business & Economics 09/2011 - 07/2013

Department of Economics, Stockholm School of Economics (SSE), SWE

Resume

GPA: 4.2/5.0. Specialization: Labor Economics.

Exchange Semester

01/2013 - 05/2013

Paris School of International Affairs, Sciences Po, FRA

BA Liberal Arts and Sciences

09/2008 - 08/2011

University College Utrecht, Utrecht University, NLD

GPA: 3.8/4.0 (*cum laude*). Specialization: Economics and Religious Studies.

Independent coursework:

PhD level:

Normative Ethics, Yale, USA.

09/2018 - 12/2018

Ethical Theory and Moral Practice, Dutch Research School for Philosophy (OZSW), Barchem, NLD, 5 ECTS equivalent.

04/2017

Greatest Recent Hits in Ethical Theory, OZSW, Amsterdam, NLD, 5 ECTS equivalent.

05/2016

Dilemmas and Dirty Hands, OZSW, Amsterdam, NLD, 5 ECTS equivalent.

08/2014

MA level:

Philosophy and Public Policy, OZSW, Rotterdam, NLD, 2 ECTS equivalent.

12/2014

BA level:

Philosophy of Music, Phoenix Institute, Vienna, AUT.

07/2014 - 08/2014

Heroism Reconsidered, Phoenix Institute, Vienna, AUT.

07/2014 - 08/2014

Other:

University Teaching Qualification training, Risbo, Rotterdam, NLD.

02/2016 - 03/2016

FUNDING

Riksbankens Jubileumsfond grant (160.000 SEK) for Egalitarianism and the Future of work conference (co-applicants: Willem van der Deijl and Markus Furendal).

Society of Applied Philosophy conference grant (£3000) for Egalitarianism and the Future of work conference (co-applicant: Willem van der Deijl and Markus Furendal).

Resume

Erasmus+ grant (€3650) for summer 2019 research visit to Oxford University (not cashed).
Institute for Humane Studies (\$400) travel grant for 2019 PPE society conference.
Tilburg Department of Philosophy grant (€2000) for fall 2018 research visit to Yale University.
Prince Bernhard Culture Fund Fellowship (€2500) for fall 2016 research visit to Universitat Pompeu Fabra.

PUBLICATIONS

Articles

Forthcoming. "All Animals are Equal, but Some More than Others?" *Journal of Moral Philosophy*. (with Willem van der Deijl).
2019. "Why Not Be a Desertist? Three Arguments for Desert and Against Luck Egalitarianism." *Philosophical Studies* 176(9), 2271-2288 (with Thomas Mulligan).
2018. "Can Desert Solve the Problem of Stakes? A Reply to Olsaretti." *Proceedings of the Aristotelian Society* 188(3), 399-405 (with Willem van der Deijl).

Edited volume

2018. "On the Very Idea of a Just Wage." Special Issue of the *Erasmus Journal for Philosophy and Economics* 11(2). (edited with Thomas Mulligan). With contributions by Peter Boettke, Rosolino Candela, Kaitlyn Woltz; Thomas Christiano; Teun Dekker; Peter Dietsch; Joseph Heath; Lisa Herzog; Andrew Lister; Julia Maskivker; Thomas Mulligan; Steven Sheffrin.

Book reviews

2018. "Review of T. M. Scanlon's *Why Does Inequality Matter?*" *Philosophy* 93(4), 590-595.
2017. "Review of Fred Feldman's *Distributive Justice: Getting What We Deserve From Our Country*." *Economics & Philosophy* 33(1), 146-153 (with Willem van der Deijl).

Interviews

2018. "Thinking by Drawing: An Interview with Shelly Kagan." *Erasmus Journal for Philosophy and Economics* 11(2), 245-283.
2018. "Philosophy with Feet in the Mud: An Interview with Ingrid Robeyns." *Erasmus Journal for Philosophy and Economics* 11(1), 80-99 (with Manuel Buitenhuis).
2016. "Justice, Markets, and the Family: An Interview with Serena Olsaretti." *Erasmus Journal for Philosophy and Economics* 9(2), 181-195 (with Isabella Trifan).

Report

Resume

2019. “The Ethics of Data Acquisition: Protecting Privacy and Autonomy While Harnessing the Potential of Big Data.” (with Alfred Archer, Amanda Cawston, and Nathan Wildman). *Center for the Governance of Change*.

Other

2015. “What Does Desert Cost? A Critical Evaluation of Moriarty’s Rationale for the Asymmetry of Desert.” *Erasmus Student Journal of Philosophy* 8(1): 40-48.

2014. “Discussing Why Some Things Should Not Be For Sale.” [Review of Debra Satz’s *Why Some Things Should Not be for Sale*.] *Erasmus Student Journal of Philosophy* 6(1): 14-21.

WORK-IN-PROGRESS

Major revisions. “Can Subjectivism Account for Degrees of Wellbeing?” (with Willem van der Deijl). *Ergo*.

Under review. “Defending Asymmetries of Desert.”

Under review. “When Desert is Forward-Looking.”

Under review. “How Should Welfare Fit? A Reply to Dorsey.” (with Willem van der Deijl).

Under review. “Earning Too Much: The Case for Maximum Incomes.” (with Dick Timmer).

Under review. “Dollars for Data? Critically Assessing the Market Model for Data Exchange.” (with Alfred Archer, Seamus Bradley, Amanda Cawston, and Nathan Wildman).

In preparation. “Reply: Desert and Altruism.” (with Willem van der Deijl).

In preparation. “The Neutrality Dilemma for Luck Egalitarianism.” (with Julien Kloeg).

In preparation. “Human Intuitions About Justice: Desertist or Luck Egalitarian?” (with Thomas Mulligan).

In preparation. “Conceptualizing Property in Property-Owning Democracy Schemes.”

COLLOQUIUM, WORKSHOP AND CONFERENCE PRESENTATIONS

Conceptualizing Property in Property-Owning Democracy Schemes

PPE society conference, New Orleans, USA

03/2020

Earning Too Much: The Case for Maximum Incomes (with Dick Timmer)

Workshop ‘Extreme Wealth as a Moral Problem’, Dortmund, DEU

11/2019

Practical philosophy colloquium, Department of Philosophy, Utrecht

05/2019

University, NLD

Resume

When Desert is Forward-Looking

Conference of the Dutch Research School for Philosophy, 11/2019
Amsterdam, NLD

PPE society conference, New Orleans, USA 03/2019

Human Intuitions About Justice: Desertist or Luck Egalitarian? (with Thomas Mulligan)

PPE society conference, New Orleans, USA 03/2020

Just Desert Workshop, Leiden, NLD (invited) 10/2018

The Neutrality Dilemma for Luck Egalitarianism (with Julien Kloeg)

Society for Applied Philosophy, Utrecht, NLD 06/2018

Oxford Graduate Conference in Political Theory, Oxford, GBR 04/2018

Centre de Recherche en Ethique, Université de Montréal, CAN 03/2018

Can Desert Solve the Problem of Stakes? (with Willem van der Deijl)

Conference of the International Network for Economic Method, San Sebastian, SPA 08/2017

A Sketch of a Desert-Based System of Taxation

Conference of the International Network for Economic Method, San Sebastian, SPA 08/2017

An Argument for Desert and Against Luck Egalitarianism (with Thomas Mulligan)

PPE Society Conference, New Orleans, USA 03/2018

Conference of Dutch Research School in Philosophy, Utrecht, NLD 11/2018

Graduate Conference in Political Philosophy, Pavia, ITA 09/2017

European Congress of Analytic Philosophy, Munich, DEU 08/2017

EIPE 20th Anniversary Conference, Rotterdam, NLD 03/2017

The Asymmetry of Desert Reconsidered

International Conference in Economic Philosophy, 06/2016
Aix-en-Provence, FRA

Conference of Dutch Research School in Philosophy, 12/2015
Amsterdam, NLD

Conference of International Network for Economic Method, 11/2015
Cape Town, ZAF

Resume

COMMENTARIES

Comments on “State Neutrality and the Moral Limits to Markets” 06/2018 by Yara al Salman & Dick Timmer. VURANT workshop for graduate students, TiLPS, NLD.	
Comments on “Socialist Principles of Appropriative Justice” by Victor van der Weerden. EIPE PhD seminar, EUR, NLD.	05/2016
Comments on “Constructing ‘Fan Charts’ for Uncertain Macroeconomic Forecasts” by Roel Visser. EIPE PhD seminar, EUR, NLD.	01/2015
Comments on “The Dynamics of Generalised Linear Trust” by Dominik Klein. Graduate Workshop in Philosophy of Science. EIPE, EUR	02/2014

TEACHING EXPERIENCE

Tilburg University, NLD

Business Ethics (lectures and tutorials, BA students)	02/2019 - 05/2019
Ethics and Economics summer school (lecture, PhD students)	08/2018
Business Ethics (lectures and tutorials, BA students)	02/2018 - 05/2018

University of Applied Philosophy, Utrecht, NLD

Heterodox Economics (lectures, BA students)	05/2018
Heterodox Economics (lectures, BA students)	05/2017

Phoenix Institute, Trumau-Vienna, AUT

Plato’s Republic (tutorials, BA students)	07/2016
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Erasmus University Rotterdam, NLD

Introduction to Economics of Arts and Culture (lectures and tutorials, BA students)	01/2017 - 03/2017
Moral, Social, and Political Philosophy (tutorials, BA students)	05/2016 - 06/2016
Introduction to Economics of Arts and Culture (tutorials, BA students)	01/2015 - 03/2015

Resume

SERVICE TO THE PROFESSION

Editor

Erasmus Journal for Philosophy and Economics	02/2016 - 07/2019
Lead editor	08/2017 - 07/2019
Erasmus Student Journal of Philosophy	02/2014 - 05/2015
Lead editor	08/2014 - 05/2015
Scope Magazine	02/2011 - 12/2011

Member

Education committee, Faculty of Philosophy, Erasmus University Rotterdam.	09/2014 - 08/2015
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Reviewer

Ethical Perspectives, Journal of Business Ethics, Journal of Social Philosophy, Philosophical Studies, The Journal of Ethics.

ORGANISATION

Events

Conference “Egalitarianism and the Future of Work”, Stockholm, 05/2020 SWE. (co-organizer) Confirmed speakers: Richard Arneson, Anca Gheaus, Karim Jebari, Joseph Heath, Lisa Herzog, Tom Parr, Jill Rubery, Lukas Stanczyk, Nicholas Vrousalis.	
Workshop “Ethics and Economics”, Utrecht, NLD Confirmed speakers: Huub Brouwer, Rutger Claassen, Anca Gheaus, Jeffrey Moriarty, Ingrid Robeyns.	01/2020
Workshop “Family Justice”, Tilburg, NLD Confirmed speakers: Anca Gheaus, Serena Olsaretti.	01/2020
PhD summer school “Ethics and Economics”, Tilburg, NLD Lecturers: Huub Brouwer, Bea Cantillon, Rutger Claassen, Wim Dubbink, Louise Haagh, Joseph Heath, Lisa Herzog, Sven Nyholm, Joakim Sandberg, Ruth Yeoman.	08/2018
VURANT workshop, for graduate students, Tilburg, NLD (co-organizer)	06/2018
Workshop “Making Hard Choices: The Ethics and Economics	03/2018

Resume

of Health Care", Tilburg, NLD (co-organizer)	
Speakers: Yvonne Dernier, Daniel Hausman, Conrad Heilmann, Peter Kooreman, Marcel Verweij.	
Symposium on Rutger Claassen's "Navigational Agency: A Capability Theory of Justice", conference Dutch Research School in Philosophy, Utrecht, NLD	11/2017
Commentators: Huub Brouwer, Martin van Hees, Thomas Nys, Jojanneke Vanderveen.	
PhD summer school "Emotions and Moral Agency", Rotterdam, NLD (co-organizer)	08/2015
Lecturers: Leon de Bruin, Giovanna Colombetti, Frank Hindriks, Marinus van IJzendoorn, Esther Kroeker, Steven Kushner, David Pizarro, Heleen Pott, Sabine Roeser, Hanno Sauer, Katrien Schaubroeck, Maureen Sie.	
Reading groups, seminar series, and study group	
Political Philosophy Reading Group TiLPS	09/2016 - 08/2019
OZSW study group Practical Philosophy (co-organiser)	02/2015 - 06/2018
Political Philosophy Reading Group EIPE	11/2015 - 01/2018
Economics Seminar Series for MSc students, SSE	01/2012 - 12/2012

IMPACT OF RESEARCH OUTSIDE ACADEMIA

Articles and blogs

- “Waarom de Baas van ING Geen #Supersalaris Verdient. En Jij 04/2019
Ook Niet.” (“Why the Boss of ING Does not Deserve a #supersalary.
And You Don’t Either.”). *De Correspondent*. (with Dick Timmer).
- “On the Very Idea of a Just Wage.” *Justice Everywhere* (with Thomas 03/2019
Mulligan)
- “Een Kleine Ode Aan De Oorspronkelijke Positie van John Rawls.” 11/2018
 (“A Tribute to Rawls’s Original Position”), *Bij Nader Inzien*
(Dutch Philosophy blog)
- “Een Kleine Ode Aan Plato’s Republiek.” (“A Tribute to Plato’s 07/2017
Republic”), *Bij Nader Inzien*

Chairing

- Debate on universal basic income, Festival Icarus, Amsterdam, NLD 08/2016

Interviews

- “Een Andere Blik op Politiek en Portemonnee, Jonge Filosofen Vinden 10/2019
het Hoog Tijd” (“Young Philosophers Find it High Time for Another
Perspective on Politics and Pay”). Trouw (Dutch newspaper).
- “Pleidooi Voor De Herwaardering van Verdienste” (“A Plea 10/2019
for the Reappreciation of Desert”). The Young Philosophers,
Dutch Research School for Philosophy.

Lectures

- “Extreme Rijkdom” (“Extreme Wealth”), Film Festival Fast Forward 11/2019
#28, Amsterdam.
- “Je Verdienende Loon?!” (“Deserving What You Earn?!”), Brainwash 10/2019
Festival, Amsterdam.
- “Verdienste, Toeval, en Rechtvaardigheid” (“Desert, Luck, and 10/2019
Justice”), Ministry of Social Affairs, The Hague.
- “Hoeveel is Genoeg?” (“How Much is Enough?”), Jonge Democraten 11/2017
Brabant (Political Youth Organization), Tilburg, NLD.
- “Is de Filosofische Discussie over Vrije Wil Relevant voor het 10/2017
Nadenken over Inkomensverdeling?” (“Is the Philosophical Discussion
on Free Will Relevant for Thinking about Fair Distribution?”, with
Maureen Sie), Avond voor Wetenschap & Maatschappij

Resume

(Evening for Academia & Society), The Hague, NLD

- “Is de Filosofische Discussie over Vrije Wil Relevant voor het Nadenken over Inkomensverdeling?” (“Is the Philosophical Discussion on Free Will Relevant for Thinking about Fair Distribution?”), Academic Club of Roermond, Roermond, NLD. 09/2017
- “Eerlijkheid, niet Gelijkheid: Waarom Mensen Liever in een Ongelijke Samenleving Wonen” (“Fairness, not Equality: Why People Prefer Living in Unequal Societies”), Ministry of Social Affairs and Employment, The Hague, NLD. 07/2017
- “Toleration through Taxation?”, two workshops at the International Philosophy Olympiad, Rotterdam, NLD. 05/2017
- “Je Verdienende Loon?” (“Deserving What You Earn?”), Jonge Democraten Brabant (Political Youth Organization), Tilburg, NLD. 04/2017
- “Een Schets van een Belastingstelsel dat Inkomens Herverdeelt naar Verdienste” (“A Sketch of a Tax System that Redistributes Income Based on Merit”), Van Doorne (Law firm), Amsterdam, NLD. 01/2017
- “Je Verdienende Loon?!” (“Deserving What You Earn?”), Jonge Democraten Leiden-Haaglanden (Political Youth Organization), The Hague, NLD, (with Manuel Buitenhuis). 05/2016
- “Je Verdienende Loon?!” (“Deserving What You Earn?”), National training weekend of Jonge Democraten (Political Youth Organization), Werkhoven, NLD, (with Manuel Buitenhuis). 03/2016
- “Van Punishment naar Funishment?” (“From Punishment to Funishment?”), Jonge Democraten Limburg, Maastricht, NLD. 09/2015

Editor

Bij Nader Inzien 05/2018 - present

Board member 09/2019 - present
Dutch Centre for Dialogue, Leusden, NLD

Secretary to the board 10/2017 - 08/2019
Dutch Centre for Dialogue, Leusden, NLD

Resume

OTHER EXPERIENCES

Economics Tutor 01/2011 - 05/2015
Stichting Studiebegeleiding Leiden, NLD

Chairman 09/2014 - 11/2015
European Study Group, Dutch Political Youth Organisation, NLD

Tour guide 07/2013 - 08/2013
Guided tours in Dutch, English and French through the Bordeaux cathedral, Bordeaux, FRA

Intern
Group Treasury, Atlas Copco, Stockholm, SWE 06/2012 - 11/2012
Construction Tools Division, Atlas Copco, Stockholm, SWE 08/2010 & 01/2011

Editor 03/2011 - 12/2014
Member magazine, Dutch Political Youth Organisation, NLD

Volunteer 09/2012 - 12/2012
Refugee home, Red Cross, Stockholm, SWE

Waiter 06/2008
Hamilton Lodge, Belalp, CHE

LANGUAGES AND SKILLS

Dutch (native), English (fluent), French (good/intermediate), German (basic), Swedish (basic).
Experienced user of LaTeX, Matlab, Microsoft Office, SPSS, and Stata.

REFERENCES

Rutger Claassen	Utrecht University	r.j.g.claassen@uu.nl
Shelly Kagan	Yale University	shelly.kagan@yale.edu
Serena Olsaretti	Pompeu Fabra University	serena.olsaretti@upf.edu
Maureen Sie	Tilburg University	m.m.s.k.sie@uvt.nl